

*Call Walborn &  
out H B Fry's name*

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**MRS. HORACE B. FRY'S  
PETITION,**

AND

**MR. HORACE B. FRY'S  
ANSWER,**

TOGETHER WITH ALL THE PAPERS IN THE APPLICATION FOR DIVORCE, MADE  
TO THE LEGISLATURE OF PENNSYLVANIA.

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# In the Legislature of Pennsylvania.

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**EMILIE L. FRY vs. HORACE B. FRY:**

PETITION, ANSWER AND ALL OTHER PAPERS IN THE MATTER  
OF THE APPLICATION FOR A DIVORCE.

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## PETITION OF EMILIE L. FRY.

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*To the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met :*

The petition of Emilie L. Fry, (late Emilie L. Grigg,) of the city of Philadelphia, humbly sheweth : That on the second day of August, 1858, your petitioner was united in matrimony to a certain Horace B. Fry, of said city, then and still a citizen of Pennsylvania. That your petitioner lived with him until about the eleventh day of September, 1858, when she left him for the following causes, which your petitioner begs leave to state in her own informal language :

On the day of the wedding, when at Walnut street wharf, about to take passage for New York on the bridal trip, the said Horace B. Fry got into a violent passion, swearing and cursing at me because he did not wish the trouble of taking charge of the baggage. I had taken no more baggage than he had allowed me to take. It was the baggage of the two ladies who attended me as bridesmaids that put him into a passion against me. It was not the increased expense of the trip, because my father had furnished ample means to defray all expenses.

On or about the fourth day of August, 1858, when we were about to leave New York for West Point, he commenced writing a letter. I suggested to him mildly that he had not time to write the letter; that we would be too

late for the cars. He immediately got into a passion again and told me to "go to the devil." He continued to write his letter, and the result was that we were too late for the cars. He again displayed his ungovernable temper, and cursed and swore at me, declaring that it was my fault. We took the boat for West Point and arrived there on the fifth of August, 1858. Here a succession of acts of violence and abuse occurred which it is difficult to detail. In the presence of company he generally concealed his ungovernable temper, but displayed it when we were alone together in our bed chamber. On one occasion, when I was sitting on a chair, he seized me and slung me with violence on the floor. On two other occasions he threw chairs at me. Thus far I had given him no cause whatever for his ill-treatment of me, and when I asked why he thus abused me, he stated that he had received a business letter from home which had put him out of temper, and he must have some one to vent his passion upon.

While at West Point he introduced me to a gentleman connected with that institution, and requested that gentleman to take charge of me, because it was not convenient to pay the necessary attention to me himself. Distressed by his abuse, and in deep trouble on discovering thus early that my happiness was destroyed, I sought sympathy and counsel from the gentleman to whom I have referred. Whereupon Mr. Fry became jealous without cause, and became more violent than before. When I entered our bed room he would look the door and commence swearing at me for staying down stairs and talking to different people. His violence caused a hemorrhage of the lungs. When I told him I was sick, and thought I was going to die, he said he was "afraid there was no such good news." When, on account of my illness, I declined going down the river to visit his brother, he threatened to look me up. When I then consented to go with him he said I "should not stir a step with him." On the evening of the twenty-fourth of August, 1858, after we had returned from a dance, he looked the room door, and said he would get his pistols out of his trunk and shoot me. He opened his trunk, apparently in execution of his threat, but closed it by saying his pistols were not loaded. This violence was alleged to be because I had been walking around among the people. When I attempted to explain he got into a violent passion, stating that what I was saying was "a G—d d—d lie," and that I was "a G—d d—d liar." He continued this violence for about two hours. When I told him I would write to my father to come for me, he said he would open my letters, and if he found a word in them against him he would destroy the letters and write a pretty story to my father, which he could easily make him believe. At last he proposed a divorce, to which I readily assented. He promised to see his lawyer about it as soon as we got home. When we arrived at home, I asked him about getting the divorce. He at first said, in reply, that he had changed his mind; afterwards he said it never was his intention to give me a divorce; that he

only promised it to deceive me, so as to get me to go home with him. When I told him I would leave him, he said I was crazy; that if I did not behave better he would get a certificate from the doctor that I was insane, and would put me in the insane asylum, and then I would be out of his way; that I had no intellect; that it was not in the family; that I had never been used to decent society; that he had taken me out of the mud and mire and placed me where I was; that I owed him everything; that I was perfectly dependent on him; that he was so superior to me, and had such a splendid classical education, that I could not appreciate him; that if I said one word more upon the subject he would shoot me without the slightest hesitation; that his temper was so ungovernable that he was not responsible for what he did. He then locked the room door, went to his trunk and took out a pistol, and pointed it at me, saying he would shoot me. He said that he had married me for my money; that he did not care anything about me; that he hoped I would die in six months; that he had another lady whom he liked very much and intended to marry. He expected, when he married me, that I would give him the control of my property and die. Before our marriage he had told me that there was no insanity in his family, but afterwards, whether true or false, I know not, he said that there was insanity in his family; that his father and his brother William had both been insane; that he had not told me this before our marriage because he knew that if I discovered it I would not marry him. In pursuance of his declared intention to slander me, he sent to my father the "Police Gazette," containing a slanderous attack upon my character as a wife. The envelop covering this slanderous publication was directed to my father in the proper handwriting of Mr. Fry. His writing is known and can be proven by witnesses.

I ask legislative relief because, by law, the courts of this Commonwealth have no power to decree a divorce under the peculiar circumstances of my case as above stated. I cannot allege, under oath, that the acts above set forth, bad as they are, were so cruel and barbarous as to endanger my life, because I never believed that he had the courage to risk his own life by executing his threats against mine, and I perceived that his object was to terrify more than to inflict personal violence. Nor can I say that the indignities to my person have rendered my condition so intolerable, and my life so burthensome, that I was thereby *forced* to withdraw from his house and family, because when I left him we were residing in a house owned and furnished by my father, and Mr. Fry had offered to permit me to occupy separate apartments if I would abandon the idea of a divorce from the bonds of matrimony, and consent to live in a state of separation under the same roof with him. I did not think it my duty to live with him under the outward show of matrimonial cohabitation, after I had been deceived and disappointed with respect to all its realities. His motives for wishing to hold me as his wife, against my will, after

he had slandered my character as a wife, and avowed that he was attached to another, and had married me for my money, expecting me to die in six months, can be readily understood by the Legislature. Such a continuance under the bonds of matrimony was not, in my opinion, according to the object of that holy institution, and can not produce any other result than the unhappiness of both parties.

Your petitioner therefore humbly prays that an act of Assembly may be passed, annulling the bonds of matrimony between your petitioner and the said Horace B. Fry.

And your petitioner will ever pray, &c.

EMILIE L. FRY.

*City of Philadelphia, ss :*

Sworn and subscribed before me, January 26, 1859.

JOHN THOMPSON, *Alderman*.



## ANSWER OF HORACE B. FRY.

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*To the Honorable the Senate and House of Representatives of the Commonwealth of Pennsylvania :*

The answer of Horace B. Fry, of the city of Philadelphia, to the petition of his wife, Emilie L. Fry, of said city, praying for a divorce from the bonds of matrimony with him.

This respondent respectfully excepts to the jurisdiction of the Legislature over the subject matter of the aforesaid petition. The Constitution of this Commonwealth provides "that the Legislature shall not have power to enact laws annulling the contract of marriage in any case where, by law, the courts of this Commonwealth are or may hereafter be empowered to decree a divorce." The Supreme Court of the State has decided, that where the causes for which a divorce was granted by the Legislature, were within the jurisdiction of the courts, the act of Assembly was void. The causes alleged in the petition of Mrs. Fry, for which legislative interposition is demanded, are, if true, matters of personal abuse, and such as in their nature tend to render the condition of a wife intolerable and life burdensome. The truth or falsity of these charges is a matter to be determined solely by a court and jury of the county where the petitioner and respondent both live; and to which tribunal, therefore, the undersigned asks that he and his wife may be referred, for a determination of the facts in dispute, according to the law of the land.

This exception to the jurisdiction of your honorable body, is made under the advice of counsel. Regard, however, to the immediate protection of his own reputation requires that he should set forth his answer to the petition of his wife for a divorce, which he does as follows :

My answer to that petition must be two-fold; first, to review the charges made against me; secondly, to set forth my wife's own conduct from the day of our marriage to that of her desertion of me. This I prefer to do in my own words.

I married my wife, as she states, on the second of August last. She was young and beautiful; with a presence demanding no drafts upon a father's wealth to assure my preference, which was based upon a single and honest affection. From my boyhood my support and independence had been the fruit of my own labor, and at the age of twenty-eight, when I thought I had found one who, as a wife, would make me a happy home, I knew that to my own reasonable wants or desires, or those of any modest woman, my means and business were quite equal. This is my reply to the assertions that I insulted

my wife by declaring I had married for the fortune which she might, at best, possibly inherit, but which certainly she never did, and does not now possess. No suggestion even, to that effect, ever passed my lips, directly or indirectly ; much less in the form of rude taunt, which she avers I used.

We were married at noon, and left Philadelphia in the afternoon train for New York. It is not true that I found fault with the quantity of my wife's baggage at the wharf, or that of any one of the party ; much less is it true that I swore at her, or at any one about it ; and still less is it probable even, that I, a four hours' husband, in the first flush of my wedded happiness, would forget, from such a trivial circumstance, all that seemed to constitute it. It is equally untrue, that when in New York, and about to start for West Point, I repelled her with angry language, because she remonstrated about my writing a letter. Our conversation, at the time, was that of pleasantry only ; and I neither felt nor exhibited other than perfect good temper. Nor did we miss the cars in consequence of my waiting to write ; on the contrary, we were at the cars at least a quarter of an hour before the time, and were prevented from going because our porter took our baggage, by mistake, to another place. His mistake, which caused us to turn back and remain in New York another day, irritated me, and I expressed my disappointment on account of it, and may have censured the porter warmly for it ; but with my wife, as connected with the matter, I found no fault, as I had no occasion. I believe, on the contrary, that she was quite as much vexed as myself, with the consequence of the man's blunder.

As regards whatever is alleged of my frequent coarse or violent language or behavior to my wife, when at West Point, I have only to resist her assertions by my simple denial. On one occasion, and one only, when her public conduct, tending to bring her character, as a wife and a woman, into question, had passed all the bounds of a husband's toleration, I remonstrated with her, in earnest terms ; and while I was conscious, on the one hand, of my devoted love for her, and on the other, was stung to the heart and exasperated by her cruel indifference ; when, with these bitter truths, this unmerited wrong, preying on my mind, and harrowing my feelings, she attempted to palliate her gross misconduct by telling me that I wished to deprive her of *every* pleasure—then, and then only, I lost my patience at her temerity and falsehood, and expressed myself, I doubt not, as the sudden passion prompted. But it was the excitement of a moment, and natural as was the cause, I regretted that any amount of injury or insult should have betrayed me into an offensive reproach, and promptly begged her pardon ; and she expressed herself entirely satisfied with the apology. I wish it borne in mind, that this acknowledgment of the only instance, in my address to my wife, which gives any color whatever to her accusations, was the consequence—wholly and solely the consequence—of her persistent violations of proper deportment, aggravated



by heartless misrepresentations. My words were not, as she pretends, the *cause* of her misconduct in any sense ; but her misconduct was the cause of my words. I felt and knew, and every body on the spot was witness, that I had been devoted to her pleasures, systematically kind and considerate, and indulgent—as the sequel proved—too indulgent to her unbecoming propensities. That I ever threw her from a chair, or threw any thing at her, or ever laid a finger upon her, except in tenderness, is utterly untrue. That I ever threatened her life, or her person in any manner, directly or by inference, is also utterly untrue. That I mentioned a pistol to her, much less attempted to find one in my trunk, or ever pointed one at her, is also utterly untrue. I not only had no pistol at West Point, but I never owned one, nor have had possession of one, there or elsewhere, in my whole life. That I ever committed any of the acts, or uttered any of the words, tending to injure or terrify her, which she alleges in her list of accusations, is all alike utterly untrue, and without any foundation or color in fact. The story, that I caused, by my intemperate manner, a hemorrhage of her lungs, is a romance, which she invented to excite interest and parry animadversions upon her conduct. Her lungs never had been affected, were not then, and have not been since ; but she availed herself of a bleeding at the nose, as my own observation justifies me in believing, to create the impression. A physician was called in, the next day by me, who told me he could discover no disease ; but who advised with me, for her character's sake, to take her from West Point ; and held out the idea, in order to effect her removal, that her health would be better cared for at home.

The assertion that I told her of my attachment to another woman, my desire that she, my wife, might die in six months, so that I could be free to marry again, and all the charges connected with this part of her petition, are like the foregoing, utterly untrue. And they are not only untrue in fact, but inconsistent with her own statements in the same document ; for, if as she elsewhere asserts, I had married her for a fortune, how was that fortune to enure to my benefit, in case of her early death, when she had nothing at all at the time, and was likely to have nothing, except by the will of her father, a man in the full vigor of health. Why, if her statement be true, did I marry her at all ?

The allegation that I proposed at one time, and at another revoked the proposition for a divorce, is again utterly untrue. While I was still ignorant, as will hereafter appear, of the extent of her offences against her marriage vow ; when at the time her unfeeling behavior to me, rendered intimate association intolerable, unless it were reformed, I did say, that I would live under the same roof, but occupy separate apartments, rather than incur the shame and scandal of a public rupture

The statements that I told my wife, at one time of her want of intellect ; and at another boasted of my own education ; that I spoke of having taken her from the mire, or whatever other language which would be unworthy of a gentleman, addressed to his wife—all these statements are utterly untrue. Alike false, and if possible more absurd, is the assertion that I made reference to insanity, as existing in members of my family. The motive of such an assertion, would not be consistent with my own sanity ; for with what plea of a sound mind, much less of a grateful heart, could I so injure the memory of my dead father or the interests of a living brother, who is well known as one of the editors of the New York Tribune ? And as this my answer, is a legislative document, which must be of record, I need make no apology, in reply to this portion of my wife's public averments, for making the declaration that my venerated father, up to the time of his death, on the verge of eighty years, had all his faculties perfect, through every day of his life ; and that none of his name has ever suffered from a mental infirmity, which at the worst, could be a misfortune, not a reproach ; which were it unhappily true of those, who cannot be responsible for my failings whatever they might be, a gentle and considerate nature would study to conceal, rather than rejoice to expose.

To the assertion in my wife's petition, that I sent her father a newspaper, containing a scurrilous article touching her reputation, I oppose my solemn denial. If she possesses any envelop which covered such a paper, it was not superscribed by me. Whether it resembled my writing, I cannot say, having never seen it. Whoever ventures to testify upon such resemblance as she alleges, that the writing is mine, and to attribute to me the sending of the paper, will violate the truth. I never sent to her or to any one, directly or indirectly, any newspaper or other publication of the nature indicated. Against the probability of the charge, I can produce witnesses to prove my extreme solicitude to keep the scandal of my wife's desertion and every thing connected with it, out of the public press ; and that I engaged the kind offices of a friend, acquainted with the conductors of several newspapers, to solicit them to suppress any notices of whatever tenor, which might be furnished of the circumstances. That gentleman can testify to this fact, which is wholly inconsistent with my wife's allegations in the premises. On one occasion, a few days after my wife's desertion, her mother sent to me by a servant, a Sunday newspaper, containing comments upon it, and requesting me, if I could, to discover the author. For that newspaper, my mother-in-law sent the same domestic, the following evening, and I may have enveloped it, and addressed it to her, with a note, which I remember accompanied it. That I ever *originally* sent any newspaper to any member of the family, or indeed to any body else, having reference to my domestic difficulties, is, I repeat, absolutely untrue.

Having, as I believe, answered so much of my wife's petition, as consists of charges against myself, it becomes my painful duty to narrate briefly, some of the prominent occurrences of our short wedded life, that from their recital, your honorable body may perceive, what was the real history and explanation of the irreparable calamity which has befallen me, and may also learn why it is, that my wife prefers to resort to you, instead of to the legitimate and proper tribunals of the country. It is with pain and regret that I do it; but under a deep and solemn sense of my duty, to vindicate and protect my private character from outrageous, false and wicked slanders. I would have spared an erring woman, as I have done up to this time, the exposure of her conjugal dereliction; and in the time which the law appoints, would have sought my release from her in the courts, by a proceeding the most considerate of her reputation. But she presents me to your honorable body, as a rude, coarse, unfeeling man, destitute of every attribute of native humanity or common good breeding; belying in my conduct to her—my fair, young wife—even within a few hours after our marriage, the domestic, social and business character of my whole life. My peace now destroyed, and my home desolated by that wife who seeks under evil counsel, to repair her own damaged fame, by the ruin of mine, I must resist the assault, however unwillingly, by the means she has placed in my hands. I recite, therefore, the particulars of her career during our month's association, so far as they are necessary to the fulness of my defence.

We had been only a few days married, when I found her disposition restive under any suggestion which were contrary to her impulses or inclinations; a trait which had been carefully concealed during our engagement. A remark of mine, that reading in the cars by the fading light, might pain her eyes; or calling her attention to her dress draggling in the muddy crossings of Broadway, New York; or any other observation dictated by my affection or care, elicited from her either such replies or looks, as too early satisfied me, that in minor matters, for the sake of peace, I could not interfere. Acting advisedly on this conviction, before we had reached West Point, I studied only to humor and to please her. She complained the hour of her arrival there, of the house, the room, and of her knowing no one. I at once endeavored to content her, by introductions to officers or their families, and to other residents or visitors whom I knew, or had been introduced to myself. Among the latter, was the person to whom she refers in her petition, and whom I had never known before. Her assertion, however, that I asked his attentions to her, in order to relieve myself, is a shameful fabrication, contrived to palliate the truth, which was in the sequel a matter of notorious comment, and to which I will show that she refers in her own writing; namely—that she herself made the advances to that individual, which encouraged him in the intimacy which immediately followed, and that she pur-

sued him by marks of her preference at West Point, and sealed the evidences of it, by being the first to open a correspondence with him, after her return to Philadelphia.

Her demeanor to me, before the end of a week, was indifferent and cold ; and before the lapse of a fortnight, it had lost almost every token of affection in private, while it became repellant to the borders of insult, in public. I was now anxious to have her leave West Point ; but was opposed on various pretences, especially that of her not being well ; which plea was met by the physician, (as both he and I deemed expedient,) by the recommendation, that she would be better at home. I should add, what I omitted in its proper place, that on the very day after she pretends to have had bleeding of the lungs, she passed hours in the open air, walking and sitting in the hot sun, and attended a ball the following evening, apparently as well as she had been at any time.

Meanwhile her reckless conduct, which my too partial senses still failed to interpret exactly, had attracted the animadversion, alike of strangers and friends ; and reports of it traveled as far as Philadelphia, and became the subject of painful surmises, which reached my knowledge. So far from being jealous, as she asserts, without grounds, I was only too confiding. In truth, her whole course, during that unhappy sojourn, was marked by indifference, alike to my feelings and my relation as a husband ;—a relation, so far as it implied guardianship and control, she never desired to recognize, from the hour of her marriage ; considering it a surrender of her independence. Acting upon this conception of her conjugal rights, she refused to wear her wedding ring, to take my arm in walking, or to apprise me of her movements, while she sought the association of others, and of one in particular, with whom her name became shamefully connected. I studied in vain, by affectionate attentions, by endeavors to second all her proper pleasures, by hints in public, and by remonstrances in private, to induce her to manifest the regard and consideration, which a decent respect for public opinion, if not for my rights and sensibilities, required at her hands. But inattention to my presence or wishes grew into obvious neglect ; neglect into aversion, and aversion into positive insult. Not once, during our three weeks' stay at West Point, would she consent to go to church. If I entered a room, she generally sought the earliest opportunity of leaving it. If I approached her, when she was in conversation with any one, she would cease speaking, and maintained, if the occasion at all permitted, an offensive silence, as long as I was near. In one instance, when on the parade-ground, she complained of being chilly, I brought her a shawl, which she refused to put on, simply because *I* had brought it. It would be needless to recite the many ingenious slights she practiced upon me, and the sometimes calmly ferocious manner,—I use the word with a full sense of its force,—the ferocious manner, in which she gloated



over the pain, which she knew was inflicted upon me. I must admit, that her conduct bewildered and unmanned me. I was wholly unprepared for other, than her fondest regard. I reasoned against facts; I hoped against accumulating disappointment. I could not believe that her conduct was other, than a passing caprice. The evidence was yet wanting to my observation, that another passion had supplanted her love for me. I had been only too early convinced, that my fate was linked to a wayward and unsympathizing nature; but the tardy suspicion of the truth was not yet awakened,—which all circumstances have since combined to prove beyond question,—that the frigid neglect and the heartless indignities, of which she ingeniously and systematically made me the victim, from the date of her intimacy with the person referred to at West Point, were deliberately devised and pursued, for the very purpose of goading me to desperation; of making my life burdensome, and my union with her intolerable, and thus precipitating a necessity, on my part, to resort to a separation, which would leave her free to indulge that new attachment, under the sanction of another marriage. With this wretched state of affairs, ended my bridal visit to West Point.

On our return home, my wife continued morose, rude and cruel in her deportment to me, when I most sought to win her sympathy. I permitted no occasion to pass of testifying my regard and interest, seeking to know what would most amuse her, and surrendering all my leisure for that purpose. I daily brought her little tokens of my thoughtfulness,—fruit or flowers, or whatever I supposed would be acceptable. In the course of a few days after our return, I casually learned through a friend, that she had been to a Daguerreotypist's room; and when speaking to her about it, she exhibited undue reserve, I was induced to ask the purpose of the visit. She refused to inform me, but I did not permit the circumstance to affect my undeviating kindness of manner towards her. I was not yet prepared to believe it possible, notwithstanding the sorrows of my brief wedded experience, that all my hopes would prove delusive, and that she who had so lately sworn before God and man, to love honor and obey me, had uttered only an idle or false lip-service, and that within a single month, her reckless passion had been centered on another man. Whether it was or not, let the following facts determine:

Just a week after our return home, (it was on the fourth of September,) while I was at dinner, I was called to the door, and a letter handed to me, which was directed to my wife and post-marked West Point. As I knew no lady there, with whom she would be likely to have correspondence, I entertained the worst misgivings, but put the letter in my pocket, without speaking of it to my wife. After finishing our dinner, I called upon her father, who lived a few doors off, to come in with me and see her. I before had received the strongest assurances of his good will and confidence, and felt that I deserved them. If the letter should prove any wrong, I wished to be aided by

him in bringing his daughter to a sense of duty, provided she had not hopelessly transgressed. She and he and myself, being alone in our parlor, I produced the letter; and as soon as she saw it, I perceived from her looks, that my anxieties could not be wholly groundless: and I asked,—as it bore evidence of coming from West Point,—to be permitted to open it and see the contents. To this she objected, stating that she had a lady friend at West Point, who was the writer. I answered in substance, that in such case, the letter could speak for itself, and that I ought to be satisfied on the point; proffering her the letter, (the seal still unbroken,) provided she would give it me to read, if it contained any thing a wife ought not to read. Upon exacting this, I looked to her father for countenance and support, having invoked his presence for the purpose; but to my inexpressible mortification and astonishment he actually seconded his daughter in her refusal to acquaint me with the contents, upon the conditions exacted as I have stated above. Though confounded by the attitude assumed by my wife and her father, I did not lose sight of my duty, as guardian of her honor; and only by threatening to open the letter myself, unless the terms of its being opened by my wife were complied with, could I induce her to accede to my views. I gave her the letter, which she opened and of which she had read but a few lines, when her increasing agitation convinced me, that my suspicions were not unreasonable. I took the letter from her hand and read to her and to her father the opening lines. In a word, it was a long love-letter, from a person already referred to at West Point, and it acknowledged the receipt of a letter from her, since her return home. It is not necessary to narrate the circumstances of the scene which followed. Suffice it to say, that my wife's conduct betrayed rage and disappointment, her father saying not a word to impress her with a sense of the turpitude of such treachery and falsehood, but indulging simply in incoherent ravings of sympathy, tending directly to destroy whatever sense of right she might still possess.

My wife, at this time, did not pretend to her father or to any one else, that I had committed any offence whatever, to cause her alienation. She offered no apology or explanation for the shameful intrigue in which she had been detected; but she or her father proposed her leaving her home to go to her father's; and she found in him a willing instrument, ready to countenance her disgraceful abandonment of her home, just one month after her marriage. As the scandal was still confined to our own roof, I considered, whether it might not be advisable to smother it, provided her guilt were not irretrievable. I had as yet only a letter addressed *to* her. I had resolved, however, to permit no interference, and that if I failed to find an aid in her father, he should at least not presume upon any active part, in abetting her further outrages on propriety. She had threatened me at West Point, when I remonstrated with her on her misconduct, that she could defy me, and make her father do for her



as she pleased ; that she knew how to flatter his vanity, while he dared not oppose her wishes. I had now the evidence, that she had judged rightly. But virtually sustained as she was by him, in the wrong she had perpetrated and still proposed to continue,—his condemnation or resistance of it, taking no other form than exclamations of idle disappointment,—I determined, for the time at all events, to maintain my authority as a husband, and forbade him at his peril, to take her from her home. The incidents of this scene were protracted through the evening of the day, on which the letter from West Point was received. At a late hour, one of my brothers came to the house. He counseled me, when advised of the circumstances, not to judge hastily ; that there might possibly be a palliating explanation ; that if so, a reconciliation should be assented to by me, rather than endure the sorrow of my wife's public disgrace. I yielded to his views, and he then had an interview with her,—her mother being present,—which resulted in her promising to do her duty as a faithful and affectionate wife, and to study by her cheerful conduct to make her home happy. This promise was very deliberately and solemnly made, after, as I think, a full hour's discussion of the circumstances of our difference. During this discussion she never hinted at, much less alleged any of the threats or acts of violence which form the substance of the petition to your honorable body. I surrendered to her as a peace-offering, the letter received from West Point, having first taken a copy of it, and resolved, if my investigation of the affair at West Point should possibly prove it consistent with future confidence in her, that I would trust to time for her repentance and dutiful conduct. The next day, which was Sunday, I was at home, and I noted that she was diligently writing for several hours. She told her mother that she was writing to a cousin in New York. I could not but have misgivings, since the statement was gratuitously made in my presence, and because she had no sooner recovered from me the letter received the previous day from West Point, than her manner resumed all its offensiveness. I was satisfied that she was answering that letter, and I was determined by intercepting it if possible, to prevent further degradation of herself as a wife, and humiliation of myself as her husband. Meanwhile I also determined, that I would obtain from West Point, any letters or other tokens which she might have sent to, or left with the person there, in correspondence with her. For this purpose I obtained, that same day, the consent of two gentlemen to visit West Point. They proceeded thither immediately, and received from the person referred to, by my authority, a letter written to him by my wife, and her miniature which she had sent to him, both within a few days after our return home. They presented and read to that person also, the copy, which I had made of his letter to my wife, which he acknowledged to be a correct copy. On the return of these friends to Philadelphia, one of them called upon my wife, and in fulfilment of his condition with her correspondent at West Point,

handed to her her own letter and her daguerreotype, surrendered by that individual. Of this letter I have no copy. She accepted both, acknowledging that she had written the letter and sent the portrait. My friend took that occasion to solicit my wife to tell him what were her grievances, what fault she had to find with me. Her answer to my friend's question, (she had known him before, he was present at her marriage, is himself the father of a married son,) her answer to his questions, which under such circumstances must have embraced all the charges she had conceived against me, were such as these :—that I suggested to her not to read in the railroad cars on account of hurting her eyes ; not to allow her dress to trail in the mud ; that I wished to curtail her pleasures at West Point ; and other petty circumstances. This was all,—nothing worse. No allegations of violence ; no rude pushing from a chair ; no abuse to cause hemorrhage of her lungs ; no threats of shooting had then been dreamed of. These inventions became a subsequent necessity to an otherwise baseless cause. The two gentlemen, who went to West Point, are ready to testify to these facts, as within their knowledge, as I have stated them.

The letter, which I observed she was writing on the Sunday alluded to, came as I had determined it should, into my possession. It was addressed to the same person at West Point, who had written to her, and it proved to be an answer to the one from him, which I had delivered to her, in her father's presence, as already narrated. I have the original of this letter, and submit a copy of it herewith, as part of my answer to my wife's petition. If it is dragged from the secrecy, in which my care of her reputation, erring as she has been, and deeply as she has wronged me, has preserved it, the responsibility rests with herself and her advisers, in whose hands I had placed a copy some time before the filing of her petition. God knows I would spare her the life-long shame, with which such a document must overwhelm her ; but whatever be the pitiable condition of her own case, she and her counsellors cannot elaim the right, wantonly to stab my reputation, and have me remain passive.

The letter is as follows :

PHILADELPHIA, *September 5.*

*My Dearest* :—I scarcely know how to tell you what I have to communicate, but so you may understand every thing I will commence a day or two back. Friday afternoon I asked Mr. Fry if he would consent to having either a separation or divorce, but to my surprise he firmly refused, giving as an excuse the impropriety of the thing. I talked and pleaded for at least an hour, when I told him if he would go away or let me go away for one year and feel perfectly free, I might love him, but that if I stayed here I should always hate and despise him. He seemed struck by what I said and said he would think of it,

as he would give any thing to have my love. In the first part of the conversation he said he considered me a lunatic and said he would put me in the lunatic asylum if I did not behave better. That he had told Mrs. Fry to agree with me in every thing, and to put all the blame on his shoulders, as he was afraid if I got excited I might fall down dead. He promised, however, to think of what I had asked him and give me an answer the next day. I told him this much, that if he would consent to a separation I would try to love him (which is utterly impossible) and if I did, would come back to him, but that if he made me stay here I would kill myself. The evening before, I told father before Mr. Fry, that I was coming to see him on Monday morning, but did not say about what. Mr. Fry told me that he went to see father the next day, and that father said that the house did not belong to me or Mr. Fry but to himself, and that he agreed fully with Mr. Fry in every thing. I was very much surprised at hearing this, but did not say any thing. I watched for a letter from you all day Friday and Saturday morning, and I can not tell you how sick I felt as the time for the postman to come passed by, and no letter arrived from you. At dinner time Mr. Fry came up stairs, stuck his head in my dressing room door and said, he had thought of what I had asked him, but he could not consent to it as it would not be proper. I could not say a word, for I felt as if I could have died on the spot, and then I thought of you, and determined to struggle through every thing for your sake, for I see now a bright spot shining through the clouds which before I thought so black.

Lissy was here to dinner, but before we had finished Mr. Fry was called out to see Mr. Jos. Fry, who wanted to see him for one instant. When he came back, Lissy asked what was the matter, but he said nothing, only something had come to the office after he left, and his brother had brought it up to him. He finished his dinner as quietly as if nothing had happened and then went into mother's as hard as he could run, as it was raining very hard. Mamma knew exactly how I stood towards Mr. Fry, for I had been in there all the morning, as I was quite sick with the neuralgia in my face, and I had told her about him. In a few minutes I saw him come back with father. He came into the room where I was and they both sat down. Mr. Fry then pulled out a letter which I saw directly was from you and which he said he was going to read out loud before father and myself. I could not describe to you my feelings and for one minute I thought I should have died. I implored him to give it to me and father told Mr. Fry it was the most contemptible thing a man could do to open his wife's letters. He had not opened it himself and at last he consented to give it to me, upon the condition that if there was any thing in it that was wrong, I would show it to him. I had not read a page to myself when he snatched it from me and commenced reading it and then stopped and said he would shoot you. I tried to tear it from him, but all in vain and with a shriek (which even frightened him) I burst into tears.

Father then said he would not listen to it and told me to come home with him. I went up stairs to get something, and seeing a bottle of poison on the table, I put it to my mouth, when you like my guardian angel came before me and I felt I could not do it. I fainted, or at least was in a stupor, for though I heard every thing going on around me, I could not open my lips to say one word. Father and Lissy put me on the sofa, and my poor father cried nearly to break his heart. He implored me to speak to him and said he would always receive me home, that the doors were always open to me. Mother came in and such a scene of confusion I cannot describe. After I had revived a little I sent for Mr. Fry. He refused to come at first, but on my sending a second time, he came. He said he would not touch me, and talked in the most horrible manner. I asked for the letter, which he refused to give me, but said he would give me a copy of it. I told him I wished to say good bye, as I never wanted to him again. He said he did not care where I went to, and with that marched out of the room. As soon as I could I got dressed, for I was determined to go home, and when I came down stairs, he said he would not allow me to go as I was his wife, and that he would not allow either father or mother to take me home, but that if I went home and they took care of me, it would be at their own risk. Father and mamma said they would not take me home, but if I went by myself I would find the doors open to receive me and they would protect me in spite of Mr. Fry. At this, Mr. Joe Fry came in and after talking with Horace up stairs, came down stairs. He said Horace was very anxious to have the past forgotten, and to commence over again. I hesitated a long time and then I thought if I went away then he would revenge himself upon you, so I determined to smooth the matter over until I could form some other plans. Horace came down stairs and said he was very sorry and hoped I would forgive him. He said no one knew about the letter but Mr. Fry, father and mother, and they had not read the letter, but had promised to say nothing about it. He said he would forget all about it, and when he met you, would treat you kindly for my sake. This morning I told him if any letters ever come to me from either West Point, Halifax or any other part of the globe, he would please let me have them immediately. He said he would send them right up, though how long his kindness will last, I don't know. Last evening he gave me your letter, and it seems that instead of the postman bringing it as it was, directed to the house, it was put in their box at the office and that hateful Mr. Joe Fry brought it up. I cannot tell you how I feel except that I am nearly crazy. I told father and mamma this morning I would not stay here, but cautioned them not to tell Mr. Fry. You know more about such matters than I do. If I applied for a divorce could I get one? Horace says he could get one, but only through that letter. What does he mean? Mrs. Humphreys told me yesterday morning, that some one told her, that the cadets all said I behaved shamefully;



and though they were flattered by my attentions to them, they had no respect for me, and that you said, though you were flattered by the preference I showed for you, you had no respect for me as I treated Mr. Fry. I did not believe it for *one* instant, and flatly told them so.

Now let me tell you what I propose doing. I have about nine hundred dollars in ready money with me which will last for some time. My plan is to try and get a situation as a servant in some family in Philadelphia or with some one who is going away, as child nurse, maid or anything of the kind, with a disguised name of course, and I can easily get clothes that will be proper and that no one will know me in. Then I thought of renting a room here or in New York and living where no one can find me. My last one is to take my clothes and go home, but then I am afraid of Mr. Fry's coming for me, as he says he has full authority over me. I will go by your advice whatever it is, but you must not ask me to stay here. When you leave West Point let me live in the same town with you, if it is as a common servant. Let me be near you and I shall be happy, for I cannot live without you. I read your letter over and over, but do not talk of a soldier's grave, for if you die, what have I to live for. I think the future looks brighter, if I can ever get away without being discovered. Can you not invent some plan? I think I would rather go to New York as I would feel nearer to you, and then I would be safer than here. I feel now able to go through anything, for all my love is centered upon you, though perhaps I ought not to say it. I will not take any step till I hear from you again, that is if you will write to me again. If you write, direct to some friend whom you can depend upon and get them to put it in the despatch, then it is safe. Direct it in a different hand from the other one. I know you will clear me from all blame in this affair and forgive me for what has occurred, for indeed it is not my fault. There is nothing in the world I would not do for you even to death. If you think it is better for me to go home, of course I will go, but I think it will be useless as I will not be free if I go there. Forgive this long letter, but I feel that I can tell you everything. Mr. Fry asked me to tell him who I gave that daguerreotype to, but I would not tell him one word. I shall commence to-morrow to gather my things together and make up some common clothes, so if your advice is to leave, I can go immediately. Direct to *Mrs. Fry*, 1817 Walnut street. I feel perfectly alone in the world, or at least no one to look to but you. Every feeling I have is centred in you. I must stop writing as I think I have taxed your patience sufficiently. Don't send any letter to any one unless you are sure of their being silent on the subject.

Yours most affectionately,

EMILIE.

There are a few points in this letter, to which I would refer, as important to my defence. First: It convicts her throughout of the grossest deceit. Secondly: It establishes that she had formed an unlawful attachment for a man, which had ripened into confessions so early as within a fortnight of her first meeting him, and within about the same period after her marriage. Thirdly: It shows that her unguarded conduct was so open, as to be a subject of public scandal. Fourthly: It proves her to have been feigning contrition for one outrage upon her husband's confidence, "only to smooth over the matter until she could form some other plans" against his peace and honor. In connection with all this, it proves that she has not a word of complaint to utter against me on the ground of my habitual conduct to her. It establishes my assertion that her father, so far from condemning promptly and decisively her system of falsehood to me, and avowed transfer of her affections to another man, gave all the moral support in his power to her course by his vain lamentations, and his virtual encouragement to her, to forsake her husband. It proves in a word, a degree of dissimulation, which takes from its author all claim to credibility in any case,—most of all in this, in which she seeks to add to the ruin of her husband's domestic hopes, that of his good name, for the doubly bad purpose of retrieving the honor she has wilfully forfeited, and of following the dictates of any illicit affections, it may please her to cherish.

I had hoped that my private griefs would have remained within the small circle of the parties immediately concerned, and that in due time, the courts of law would grant me a separation from my wife, with the least possible damage to her reputation. I forewarned her advisers that if I should be assailed by any proceedings affecting my character, I should be driven in my defence to a statement of facts, before which her reputation must greatly suffer. And now, that I am so assailed by that petition, held up by her to ridicule and scorn, as a coward and a ruffian; as she aims to destroy the character, upon which my position and subsistence depend, from motives equally clear and unworthy,—I cannot submit to be thus exhibited and thus reviled, without presenting as my defence, the true and sad history of my married life, and letting it answer to the members of your honorable body, as fathers, husbands and gentlemen, for my own integrity and the justice of my cause.

And your respondent will ever pray, etc.,

HORACE B. FRY.

Horace B. Fry being duly sworn doth say that the facts set forth in the above answer are just and true.

HORACE B. FRY.

Sworn and subscribed before me this 3d day of February, A. D., 1859.

JNO. B. KENNEY, *Alderman*.



## MEMORIAL OF JOHN GRIGG.

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*To the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met :*

The petition of John Grigg, of the city of Philadelphia, humbly sheweth :

That Horace B. Fry, in his answer to his wife's petition for divorce, has wantonly and unnecessarily libelled your petitioner, in such a manner as to constrain him to intervene and to present the following statement on behalf of his unhappy child, Emily L. Fry, whose minority, inexperience and helplessness demand all the protection which a father, under the distressing circumstances of her condition, may be permitted to afford. After a long, and, I trust, a well spent life, at an advanced age, without any fault of my own, I find myself suddenly stricken down, my heart broken, and my hearth made desolate, by the deepest sorrow that ever fell upon man. Not satisfied with the tortures to which Mr. Fry has already subjected me, by robbing me of my child in his eager pursuit of her fortune, by cruelly and inhumanly driving her into indiscretion, and by systematically, in the public newspapers and elsewhere, traducing her character as a wife, he still further seeks to gratify his malignant disposition, by charging me with becoming "a willing instrument" in all his alleged "outrages on propriety," and with so conducting myself as "to destroy whatever sense of right she might still possess." Against these charges I present my most solemn denial. The statement of Mr. Fry, in all these particulars, is absolutely false. I neither countenanced any "outrages on propriety," nor became "a willing instrument" in perpetrating them; nor have I at any time so conducted myself as to "destroy a sense of right" in my child. My offence against Mr. Fry has no greater extent than the expression of an opinion that no gentleman would open his wife's letters; and after I saw that the happiness of my child was destroyed; that the cruelty of her husband had driven her into indiscretion, but not crime; that she was determined to escape from his tyranny, even if she became a ruined and hopeless outcast, and that, under the allegations of guilt, her reputation was exposed to certain destruction, I told her that, although I would not take her away from her husband, if she determined to leave him, the doors of her father's house should not be closed against her. In all this, I did no more than any father, with a human heart, would have done. I did not

then believe it possible that any husband, having a spark of manly sensibility about him, would desire to live with his wife after he had become convinced, as Mr. Fry pretended to be, that she was guilty of conjugal infidelity, and after he had made his convictions known to his numerous friends, agents, spies and advisers. But in this I was deceived. The mercenary motives which actuated the matrimonial fortune-hunter when he laid his snare, still governed him in clinging to his victim.

My daughter has stated, under oath, that Mr. Fry acknowledged to her that he "married her for her money." This charge he attempts to parry, by the intimation that she had no fortune to expect during my life; that "she had nothing at all at the time," and "never did and does not now possess any;" that "she was likely to have nothing except by the will of her father, a man in the full vigor of health." I am not in the full vigor of health. I am nearly seventy years old, and rapidly going to my grave, with many sorrows and infirmities. But no man knows better than Mr. Fry, that his statement, in all that relates to this part of the case, is artful and deceptive. To prove it so, I am reluctantly compelled to state the provisions which I made before and since the marriage, to promote the comfort and happiness of my daughter and her husband. I purchased the house in which they lived, and paid for it the sum of thirty thousand dollars. I improved it and furnished it with every thing necessary for their comfort, even including the coal, groceries and wines in the cellar, at the additional cost of over nine thousand dollars. These purchases were made in July preceding the marriage. I afterwards furnished my daughter with money sufficient to pay the expenses of her bridal trip. On the 3d of September, 1858, I gave Mr. Fry himself, five hundred dollars to purchase marketing, and told him that when that was exhausted I would furnish more. I have but two daughters. I have settled six thousand dollars per annum on the other. Mr. Fry knew very well, from the affection I have always shown for my children, that it would be a pleasure to me to do equal justice to all of them, and to make immediate and ample provision for their comfort, and yet with a brazen effrontery that stands without a parallel, he attempts to impeach my daughter's statement, under oath, of his avowed mercenary motives by a prevarication shamefully false in spirit and in truth.

I have already said that Mr. Fry has systematically endeavored to destroy the reputation of my child, and to prejudice even her parents against her. As a proof of this, I annex to this statement the United States Police Gazette, of the 18th September, 1858, containing a scandalous attack upon her character as a wife. That paper was sent to my house on the 18th of September, 1858, with an envelop which bore the direction, "John Grigg, Esq., 1823 Walnut street, Philadelphia." I am acquainted with Mr. Fry's handwriting, and from my knowledge of it, I believe the direction on the envelop, already

mentioned, to be the disguised handwriting of Horace B. Fry. I annex the depositions of two other witnesses acquainted with his writing, establishing the same fact. This act is in exact correspondence with his whole conduct in relation to my daughter, as the following facts will show: When it became painfully manifest that my daughter's happiness could not be promoted by any longer continuance in a state of matrimony with Mr. Fry, I anxiously sought for the means of obtaining her liberation in the mode least likely to cause a public scandal, and this, not only for her sake, but for that of Mr. Fry. It was, therefore, at my suggestion that three mutual friends, all well known and highly respectable citizens, were authorized by me, and kindly undertook the office, to suggest to Mr. Fry, who it was presumed, under the circumstances alleged by himself, was also desirous of a legal separation, that he should apply to the Legislature for a divorce, on the ground of my daughter's desertion, promising on my part that no resistance should be made to it. He took time to consider the matter, and then declined it, with a full knowledge, when he did so, that the present application would be the alternative. That he declined the mode least injurious to both parties, either to enable him to gratify his fiendish purpose of destruction, or his morbid appetite for newspaper notoriety, or in the hope of extorting money to secure his co-operation in the measure least injurious and least painful to all parties, I solemnly believe. I think his conduct shows this. He has not been contented with writing one answer to the petition of my child, and sending it in the usual form to the Legislature, but has written three answers, all of which have been printed and extensively published through his agency. The last answer, and the most scandalous, was published in pamphlet form and circulated in this city on the 5th of February, 1859. It was again published in a Sunday paper on the 6th of February, 1859, and was not presented to the Legislature until Monday, the 7th of February, 1859. This shows his systematic determination wantonly and malignantly to destroy her character. Mr. Fry denies that my daughter had a hemorrhage of the lungs at West Point, and says it was only a bleeding of the nose.

This statement is evidently made to destroy the force of her allegation, that the hemorrhage had been produced by mental excitement arising from his own inhuman conduct. But Mr. Fry's statement is shown to be false by the testimony of Dr. Samuel P. Moore, the physician who attended her at West Point. Within the last few days Dr. Moore, as I can prove by a highly respectable citizen of Philadelphia, has distinctly stated to that citizen, that he attended Mrs. Fry for *hemorrhage of the lungs*, that this was the nature of her complaint, and that it *was caused by trouble and mental excitement*. In this particular Mr. Fry is also contradicted by another gentleman, to whom he stated on the morning after it had occurred, that his wife was suffering from hemorrhage of the lungs. The gentleman to whom I refer, is Cadet O.

G. Wagner, of West Point. I annex a letter from him, written on the 5th of February, 1859, at West Point, before he had seen the scandalous publication, which Mr. Fry calls his answer to the petition for divorce. Before introducing Mr. Wagner's letter, it may be proper to state that in an interview with Mr. Fry, two chosen representatives at West Point, (Mr. Charles Williams and Mr. P. L. Yorke, of this city,) Mr. Wagner had positively denied that any criminal correspondence had taken place between himself and my daughter, and had assured them that nothing improper or indelicate had taken place in their intercourse at West Point, and that nothing had occurred but the indiscretion of writing a letter in answer to one received from her. In relation to that statement, Mr. Charles Williams, the agent of Mr. Fry, so late as the 20th of September, 1858, nine days after my daughter had left her husband, wrote a letter to Mr. Wagner, in which he says: "Not one word did you tell but what I believed then, as I do now, and I unhesitatingly declare that I believe ALL YOUR INTERCOURSE WITH HER, as with me, to be that of A HIGH MINDED, UPRIGHT GENTLEMAN, though wrong and indiscreet as you admitted in writing the letter you did." As Charles Williams was the chosen agent of Mr. Fry in the transaction of this especial business, the statement of Mr. Williams is necessarily therefore the statement of Mr. Fry. As Mr. Fry has thus admitted that Mr. Wagner was guilty of nothing more than an indiscretion, which the evidence shows he corrected by the only means in his power, and as Mr. Fry has also thus admitted that Mr. Wagner was fully believed "then" and "now," and is "A HIGH MINDED, UPRIGHT GENTLEMAN," I subjoin Mr. Wagner's letter to me of the 5th of February, 1859, as entitled to full credit, and which Mr. Fry, at least, has no right to gainsay. It will be perceived from that letter that Mr. Fry himself knew that Mrs. Fry suffered from a hemorrhage of the lungs, although he now chooses to deny it. It is also apparent from the same letter, that Mr. Fry introduced Mr. Wagner to Mrs. Fry, and requested him to pay attention to her, although he now chooses to deny the latter branch of this statement.

It is further shown by Mr. Wagner's letter, that the story of cruelty and outrage perpetrated on my daughter, was not newly got up, as Mr. Fry alleges, but that those outrages had produced their effect upon her health and spirits at West Point, so as to attract notice there, and that on being interrogated, she then and there related substantially the same narrative of her wrongs, which she has stated in her petition for a divorce. After Mr. Fry had told her that he would intercept her letters to her father, and not only close the channel of communication with her natural friend and protector, but would prejudice his mind against her by his own stories, it was natural that a young and inexperienced child as she is, should communicate her sorrows to the first sympathising friend that she met. Mr. Fry is fully responsible for the imprudence of this act, and for all the consequences which flowed from it.



The husband who undertakes to close the channels of communication between parent and child, at a time he is committing outrages upon the child, is destitute of every manly feeling. The letter of Mr. Wagner also establishes the fact, that the letters which passed between that gentleman and my daughter, were obtained by Mr. Fry through the fraudulent and false pretence that his agents were acting on behalf of myself and my daughter, and under the most solemn "assurances on honor," that "no possible use would ever be made of the correspondence," and that the mutual return of the letters "would end the matter finally."

The means made use of to obtain this correspondence, and the reference to it, and misrepresentations of its contents, in Mr. Fry's answer, prove that he is not governed by the ordinary rules of honor, or even of common honesty. And the fact admitted in his answer and otherwise fully susceptible of proof, that he intercepted the letter which he published, by getting it out of the post office, thereby violating the act of Congress, and subjecting himself to indictment and to a fine of five hundred dollars, and one year's imprisonment, proves that he as recklessly disregards the laws of his country, as he does those of honor and honesty. A man who would do these things is capable of any thing else, to which his interest or passion may prompt. Such a man has no right to expect that the Legislature will place any credit whatever in his unsupported, contradictory and false statements.

Mr. Fry states in his answer, that "he had been only a few days married when he found" his wife's "disposition restive under any suggestion which was contrary to her impulses or inclination; a trait *which had been carefully concealed during their engagement*;" and that his "relation as a husband, so far as it implied guardianship and control, she never desired to recognise from *the hour of her marriage*." That this statement is wilfully false, is manifest from his own letters from West Point. In one written to me, bearing date West Point, 5th of August, 1858, he states in relation to my daughter, that the short distance in life's journey that she had gone with him, had "thus far been PERFECTLY HAPPY, and the promise of its continuance is MORE FAVORABLE than is usually found." "I thought to-day," (continues Mr. Fry in that letter,) "that the saying the time during which a young lady is engaged to be married, is spent in wearing a mask, DID EMILY GREAT INJUSTICE." In another letter addressed to my son, John W. Grigg, and received by him in Europe, Mr. Fry says, under date of West Point, August 14, 1858, "our wedding was a MOST HAPPY ONE, and I have since then NOTHING to record, but a CONTINUANCE of the HAPPINESS then commenced, and which *bids fair to continue in undiminished amount for Emily's and my life*." These letters from himself prove, beyond denial, that the representations of misconduct, and concealment from "the hour of her marriage," are absolutely and wilfully false.

Mr. Fry admits in his answer, that he did, on one occasion, "express himself as the sudden passion prompted." He also admits that he had asked her to pardon him for his misconduct. On another occasion, when he was endeavoring to secure an arrangement to live separate, under the same roof, with his wife, he offered, in my presence, to ask her pardon. What his particular offences were, for which he sought pardon, he has not stated; but the repeated applications for forgiveness, prove that repeated injuries had been perpetrated by him, and that he was himself fully conscious of them. Their nature may be understood from the statement, under oath, of my daughter, in her petition.

I commenced life as a poor plough-boy. I am a plain, blunt man, and address myself in plain, blunt phrase to men of humane feelings and sensibilities. Although my daughter has been driven by the cruelty of her husband to the very verge of ruin, I believe her to be as innocent of crime as when, in her infancy, she hung upon her mother's breast. As her father and natural guardian, I ask that the control of her heartless and incompetent husband may be dissolved, and that she may be placed under my protection and care. I ask this as the measure most necessary to her safety, in the firm belief that her statement is true in every particular, and that it is as fully corroborated as can ever be expected with respect to acts of cruelty inflicted by an artful husband in the seclusion of the domestic chamber.

If her statement should not be deemed satisfactory, it must be manifest that Mr. Fry himself has shown ample reasons to influence the Legislature in their discretion to dissolve the bonds of matrimony. He has charged her with "conjugal infidelity;" he has fraudulently and unlawfully possessed himself of her correspondence; he has made a dishonorable use of that correspondence; he has degraded her character as far as he could by the needless publication of his slanders; he has shown that he has neither respect for her feelings, regard for her rights, nor confidence in her purity as a woman. These facts appear independent of my daughter's statement and must be manifest to every one. No humane man would desire to force a woman to continue under matrimonial bonds with a husband who had thus treated her. No husband with manly sensibilities would wish to hold in his conjugal embraces a wife thus publicly repudiated by himself. In either aspect of the case, I humbly pray that the bonds of matrimony between the said Horace B. Fry and my daughter, Emily L. Fry, may be dissolved.

And your petitioner will ever pray, &c.,

JNO. GRIGG.

Sworn and subscribed to before me, this 10th day of February, 1859.

CHAS. F. HELFFRICHT, *Alderman*.

Charles B. Dunn being duly affirmed, deposes and says, that he is well acquainted with Horace B. Fry, and is perfectly familiar with his handwriting.



Deponent has examined a certain envelop annexed to the petition of John Grigg, with the following superscription thereon, viz: "John Grigg, Esqr., 1823 Walnut street, Philad." and now, before this deponent, at the time of making this affidavit. The said superscription is in the proper handwriting of Mr. Horace B. Fry, although written under an attempt to disguise his hand. But the characteristics of his handwriting are preserved, and there is no doubt on the mind of this deponent as to the correctness of his judgment as here affirmed to.

Deponent first saw said envelop on the 19th September, 1858, in the possession of John Grigg, Esq., and having at that time enclosed therein a copy of the United States Police Gazette of the 18th September, 1858, annexed to Mr. John Grigg's petition. Mr. Grigg stated to deponent that he had received said newspaper, in said envelop, at his house on the 18th September, 1858, and both Mr. Grigg and myself, at that time, pronounced the superscription to be the handwriting of Horace B. Fry.

CHARLES B. DUNN.

Affirmed and subscribed to before me, this 10th day of February, 1859.

CHAS. F. HELFFRICHT, *Alderman.*

John Warner Grigg being duly sworn, doth depose and say, that he knows Horace B. Fry, and is acquainted with his handwriting. Deponent has read and examined a certain paper or envelope annexed to the petition of John Grigg, and averred by him to be the envelop which enclosed a copy of the United States Police Gazette of September 18, 1858, sent to the residence of said John Grigg on that day. Deponent verily believes that the superscription on the said envelop is in the handwriting of Horace B. Fry, although attempted to be disguised.

JOHN W. GRIGG.

Sworn and subscribed to before me, this 10th day of February, A. D. 1859.

CHAS. F. HELFFRICHT, *Alderman.*

*The envelop referred to in the petition and affidavits.*

JOHN GRIGG, Esq.,

1823 Walnut st., Phil'a.

*From the United States Police Gazette referred to in the petition.*

EXTRAORDINARY PIECE OF SCAN. MAG. IN HIGH LIFE—UPPER-TENDON IN AN UP-ROAR—THE "BOLD SOLDIER BOY" IN THE ASCENDANT.

Philadelphia is getting to be a city famous for her morals, which seem to be pretty fast degenerating. Since our last issue, a delicate *petite contretemps* in the conjugal world has occupied the minds of the scandal lovers during the

past week, the parties thereto being well in fashionable and other circles. The details of this *affaire de cœur*, as near as we can gather them, is as follows :

Some time ago, a somewhat prominent associate of musical celebrities, Mr. H. B. F\*\*, became enamored of the daughter of an equally well-known *habitué* of the mercantile and financial world. The lady, Miss G\*\*\*\*, was young, blooming, fascinating and educated, and somewhat of a belle among those with whom she associated. Of course, such qualities only served to add fuel to the flame which almost consumed her adorer. The opera, when we had an opera, was visited by the twain night after night, and the gallant admirer of the lady fair, to use an old expression, spared no pains or expense to win her gentle heart. Of course, a proposal of marriage followed all these delicate attentions, and, of course, an acceptance was the next thing in order. The father, in anticipation of the event which was to give him a son-in-law, and, in due course of time, a due number of grand-children, at once set about to endow his daughter and her lord with those accessions of house and dollars considered essential to the enjoyment of fashionable life. A fine mansion, elegantly furnished, and a dower of twenty thousand dollars, blessed the pair when the nuptials were consummated. Of course, the usual meetings, and greetings, and congratulations of friends took place, and the match was considered on all sides, as one likely to be productive of a world of happiness to the pair.

Time glided on. A visit to West Point, during the summer solstice, was desired by the fair and blushing bride. Her lord could not refuse her; so, with the aid of railways and steamers, she reached the beautiful spot which she longed so much to visit, and mingled gaily with the fashionable world then and there assembled. That a woman of grace, loveliness and cultivation should long remain without a lover it would be idle to suppose. A lover was found—a Cadet of fine personal appearance, attractive manners, and really excellent parts. His passion met with a glad response, and with joyous dalliance the lover and the loved whiled the hours pleasantly away.

In time this intimacy came to the ears of the Benedict, and, as is natural to suppose, somewhat disturbed his equanimity. He sought the side of his heart's idol and requested an explanation of that which harrowed up his soul. She explained, to his horror and consternation, that she had never loved him; that the only affection she had ever known for a living soul was that bestowed upon the gallant Zouave, who was near by, and that she had determined to give up a folly she had entered upon in a moment of blindness and cling like a vine to the Cadet aforesaid. Expostulation was in vain. Tears could not change her from her firm resolve. But one idea and but one love possessed her, and these were bestowed upon her new-born lover. The husband has returned to his business and his home, and we suppose will, in due time, introduce the matter to the consideration of the courts. The wife still lives

and loves with earnestness and devotion; the Cadet is faithful to his vows and lady, and the father is not a little chagrined at the termination of what he conceived to be a happy union. We will add, that the greatest excitement prevails throughout "Upper-tendom."

As a sequel to the above, we copy the following from the "Inquirer" of August 4th, 1858:

"Married—On the 2d instant, by the Reverend Dr. Morton, HORACE B. FRY to EMILY L., daughter of John Grigg, Esq."

*Letter from Cadet O. G. Wagner to John Grigg.*

MILITARY ACADEMY, WEST POINT, N. Y., }  
February 5, 1859. }

MR. GRIGG—*Sir*:—I am induced to make to you the following statement, in the hope of being able to place in its true light the matter to which it refers.

About the beginning of the month of August, 1858, I was introduced to Mr. Horace B. Fry, by a mutual friend, and a few minutes afterward by him (Mr. Fry) to his wife. A few days afterward I called upon Mr. Fry, at the hotel where he was then staying, and had with him a conversation, during which the ladies accompanying him were referred to, and he remarked that he would be most happy to have me better acquainted with them, and to have me show them as much attention as I could. I did not meet these ladies during this visit, as I had not time to wait for them. Some days afterward I met them, and from this time our acquaintance gradually progressed. During its continuance I visited Mrs. Fry, at the hotel, frequently, accompanied her to the cadet hops, and occasionally walked with her. Mr. Fry always seemed pleased to meet me, and never made the least objection to my attentions to his wife. I met him more frequently alone than otherwise, as he was seldom in the parlors of the hotel during the time at which we were allowed to visit there. I met Mrs. Fry generally when there were a number of persons around us, and cannot remember being with her a single time at which we might be entirely free from observation. I do most solemnly avow that all my personal intercourse with her was such as might freely occur between a gentleman and a lady, and was governed by principles of friendship and honor. There never was a single indelicate word, thought or allusion, exchanged by us, and our conversation was generally upon those topics about which intelligent persons are accustomed to speak.

After I had known Mrs. Fry for some time, I asked her why it was that she so frequently looked sad and troubled. After some hesitation, she told me that herself and Mr. Fry did not agree well together; that he frequently treated her harshly, and vented his temper upon her; that she found it impossible to please him, for when she agreed to anything he immediately changed

his mind in reference to it; that he several times told her that she should be thankful to him for having raised her to the high position that she would occupy in society as his wife; that she had not been accustomed to good society, and that he would show her what good society was. On one occasion, after this, she told me, that the night before, Mr. Fry had thrown her from the chair on which she was sitting. She once told me that Mr. Fry wished her to go with him to visit his brother, but that she did not feel well enough to go. She afterwards told me that she had concluded to go, as it would probably please him, and it was not very far to travel. On the morning proposed for the trip I saw that the lady did not go, and when I inquired the reason, she told me that Mr. Fry did not seem to care to have her go. One morning she told me that the evening before, after returning from a hop, Mr. Fry had locked the door when she came in, and had threatened to shoot her, and that he did go to his trunk for his pistols, but that he did not take them out. I asked her if she was not afraid that he would really do so sometime. She said that she did not believe he would dare to do it. She also told me that he swore at her most terribly. One morning I met Mr. Fry alone, at guard mounting,<sup>1</sup> and I made the usual inquiries after the health of the ladies. He told me that Mrs. Fry was not well, that she had had a hemorrhage of the lungs the evening before. When I met the lady again I asked her about her illness, and she told me that Mr. Fry had been so violent as to excite her excessively and to bring on a hemorrhage.

All this as told to me from time to time excited my sympathy, and I endeavored to console and advise the lady. She seemed to be anxious to be separated from Mr. Fry, and I endeavored to explain to her how unfortunate and unpleasant her position would be in such a case. She said she could not possibly be more unhappy than she was. I advised her not to act without the consent of her parents, and she told me that she would appeal to you. She afterwards told me that Mr. Fry said that if she wrote to her father he would take care that he should get a very different story from hers. On another occasion she told me that he had proposed a divorce, and had told her that he would speak to his lawyer as soon as he went home.

After Mrs. Fry's return home I received from her a letter, the contents of which were simply a statement that the relations between Mr. Fry and herself were unchanged, that he still acted as before, and that he had laughed at the idea of fulfilling his promise about the divorce, and that she had told her mother all about the affair. This letter I answered, and in my answer I renewed my advice that she should rely solely upon her parents, and be guided entirely by them. About the same time I received a daguerreotype, accompanied by a short note. This note, which merely contained an account of another difficulty with her husband, I threw away.



Shortly after this—about the 6th of September, 1858, there came to this place a Mr. Chas. Williams, accompanied by Mr. P. L. Yorke, both from Philadelphia. These gentlemen presented me with a note of introduction from Mr. Horace B. Fry, and Mr. Williams told me that he came to see me as a friend not only of Mr. Fry, but also of Mrs. Fry, and of yourself, her father. And on behalf of all concerned he wished to make a proposition to me. He said that Mr. Fry had read my letter and that he deemed it a criminal correspondence, and that if I did not agree to cease all further communication with the lady in question and give up whatever mementos, letters, &c., that I had received from her, he would at once proceed to take such legal measures, both civil and military, as would bring about very proper punishment. I refused at once to yield to any such proposals. I denied positively the insinuations as to a criminal correspondence with the lady, and refused to be coerced into any such dishonorable agreement. Mr. Williams handed me a paper which appeared to be carefully and formally drawn, and which contained these propositions and insinuations. After reading it I again denied most unhesitatingly the innuendos and assertions, and declined being forced into compliance. Mr. Williams then stated that he was certain that there was no intention to force me to do anything; that if the writing seemed to read in that sense, I ought to make some allowance for the excited state of Mr. Fry's feelings. He told me that the lady's father—yourself—was desirous that the matter should be arranged in this way, and that the idea was merely to keep an unfortunate matter from the public. He said he was anxious that I should understand him as being entirely honest in his actions and that he desired me to regard all my communication with him as upon the basis of truth and honor. I acknowledged that under the circumstances I would not attempt to have any communication with the lady, in opposition to the wishes of her husband and of you, her father, but that I was by no means inclined to give up the letter which I had received from her. He said there was no reason why I should hesitate to give it to him, as no one should see it, as he would give it to the lady herself, and that he would explain to her how I felt in reference to it. He said that there was no doubt but that such an arrangement would be satisfactory to all concerned, since all that was desired was that there should be a perfect assurance that no trouble should arise in the future from this letter. And further to assure me of this, he said he would forward to me my letter, and that all copies of it should be destroyed, and that no further use should be made of any such thing. He again begged me to understand that he was a friend to all parties, and would not advise me to do anything which was not for the good of all interested. In the understanding then that he would give the letter to the lady herself, I agreed to place it in his charge, and did give it to him in an envelop which I do not remember to have sealed, although I may

possibly have done so. If my recollection serves me, I made at the foot of the paper which Mr. Williams had, notes in pencil, denying the imputations it contained. I took no copy of the paper nor of my memoranda added to it, and can speak of it only in this general way. Our interview was a very hurried one. Mr. Williams in his note to me requesting an interview, says that he must leave in the first line for New York, and during our conversation the desirability of his early departure was several times mentioned. I consulted no friend respecting the matter, and had none present at the time of our meeting, two circumstances which I have since much regretted. I kept no copy of Mrs. Fry's letter to me nor of this paper, which I have referred to, and which had evidently been prepared before Mr. Williams came to West Point, nor of the additions which I had made to it. These matters I did not think of at the time, because under the assurances on honor which I had received from Mr. Williams that no possible use would ever be made of the correspondence, and that my compliance with the proposals would promote the welfare of all parties concerned, and end the matter finally, it did not occur to me that it would be advisable to take any precautions against a misunderstanding or deception. Before leaving this gentleman, the last charge was that he should deliver the letter to the lady, and he said he certainly would do as I wished.

After this I received from Mr. Williams a letter dated—Philadelphia, September 9, 1858, enclosing my letter, and commencing with these words, "Dear Sir:" "The two articles you entrusted to my care I have delivered, as promised, to the party—in person." With this I could not help but be contented. I believed that this gentleman had fulfilled his promise to me, and that the letter was in the hands of its original writer. Shortly after this a newspaper—the Sunday Transcript—was placed in my hands, and an article in reference to this affair was pointed out to me. This was equally scurrilous and libellous, and would lead to impressions which would be without a particle of truth for a foundation. I immediately wrote to Mr. Williams, to discover, if possible, how it was that this matter had gotten abroad in the form which it had taken, and why it was not suppressed or denied. He answered me by a letter dated—Philadelphia, September 20, 1858, in which he disclaims for himself, Mr. Yorke and Mr. Fry all share in the giving publicity to the matter, and regrets, exceedingly, that the affair had reached the public ear. He assigned no reason for there being no effort made to suppress the story, or to put it in another light. Since that time I had heard nothing further in reference to the matter, until this present. I have never since then held any communication with Mrs. Fry, either directly or indirectly, having neither written to nor received any letter from her. The present agitation of the matter, has led me to believe that the promises made to me have never been fulfilled. Mr. Williams assured me, that no use whatever would be made of the corres-



pondence, or of the letter which I placed in his charge. I did not read him this letter, nor did he himself read it in my presence. I gave no consent that it should be read by any one, much less that it should be copied. I never would have given it up on any such understanding. If it has been copied by any one, the conditions under which I parted with it, have been most dishonorably violated.

I have within the last two days been informed that, previous to the visit of these gentlemen to West Point, a sealed letter, addressed to me, had been intercepted and opened, and that this letter has always been, and is now withheld from me. No reference was ever made by these gentlemen, in my presence, either by direct statement, hint or otherwise, that such a letter was in existence, and I was entirely unaware of the fact up to this time. The intercepting and opening of this letter was, to speak most mildly, a glaring violation of the law. The care with which its existence was concealed from me, is a tacit acknowledgment of a conviction of the disgraceful character of the proceeding. The entire circumstances taken in connection, convince me, that being aware of the difficulties in the way of my acting in the matter, dishonorable advantage has been taken of me, with a view to malign an innocent lady's character, and to endanger my own. Such an action cannot but be regarded as dishonorable and ungentlemanly in the extreme, and I need scarcely say, that I shall make the most strenuous efforts to prevent the consummation of so disgraceful an end.

Most respectfully,

Yours, &c.,

O. G. WAGNER,

*Cadet U. S. Ma.*

Extract of a letter from Horace B. Fry to John Grigg:

WEST POINT, ROE'S HOTEL, }  
August 5, 1858. }

MY DEAR SIR:—I have nothing particular to chronicle, beyond a continuance, without interruption, of the pleasure we started with.

I hope that Mrs. Grigg and yourself will not find Emily's absence a bar to your enjoyment of life, but will consider as a set-off for the gap in your house, the fact that the short distance in life's journey that she has gone with me has thus far been perfectly happy, and the promise of its continuance is more favorable than is usually found. I thought to-day that the saying "the time during which a young lady is engaged to be married is spent in wearing a mask," did Emily great injustice.

HORACE B. FRY.

Extract of a letter from Horace B. Fry to John Grigg:

ROE'S HOTEL, WEST POINT, }  
*August 14, 1858.* }

MY DEAR SIR:—I write to-day more with a view of keeping you apprised of our health and happiness, &c.

We keep jogging on in the same routine of pleasure and idleness.

HORACE B. FRY.

TO JOHN GRIGG.

Extract of a letter from Horace B. Fry to John W. Grigg:

WEST POINT, NEW YORK, }  
*August 14, 1858.* }

TO JOHN W. GRIGG, Esq.:

MY DEAR SIR:—Your father and mother may have informed you of the particulars of our wedding, which I believe to all present was a very happy one, and I have since then nothing to record, but a continuance of the happiness then commenced which bids fair to continue in undiminished amount for Emily's and my life.

HORACE B. FRY.

MR. JOHN W. GRIGG.

## REJOINDER OF HORACE B. FRY.

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*To the Honorable the Senate and House of Representatives of the Commonwealth of Pennsylvania :*

The answer of Horace B. Fry to the memorial of John Grigg, in the matter of Mrs. Fry's petition for a divorce, respectfully sets forth :

I will, as concisely as the elaborate nature of Mr. Grigg's charges permit, answer them in detail.

I recite the charges in the following order, with a view the more readily to dispose of them :

*First.* That I married his daughter only from mercenary motives, and evinced in my subsequent course the same spirit. To which I reply, that if he does not perceive, in his daughter's personal endowments, the attractions which might win a young man's honest love, he does her an injustice, which even all the wrong I have suffered at her hands, will not extort from me. When I had addressed her and asked her father's approbation of our engagement, it was given, with the frequent subsequent assurances to myself, to his own friends and to mine, that my business and social character were unimpeachable. I had been used to rely on my own exertions, and had labored faithfully in my present calling, which I adopted at an early age. He knew, or might have known, that I have been as prosperous as most young men, and always independent of every man; and without under-estimating the value or influence of wealth, there is nothing in my past history, in my habits, or my present position, to justify the slander of Mr. Grigg, that I married his daughter for money. My answer to her petition already meets this question.

Mr. Grigg adduces, with more ostentation than relevancy, the fact that he bought a large house and furnished it, at a cost of about forty thousand dollars. He and his family know, and so do other persons, that this outlay was not consistent with my wishes; that when he proposed this establishment I expressed my decided preference for one which would have cost about one-third of that sum, and that I was overruled by his own peculiar desires or purposes. It was his own argument, addressed to others as well as myself, that, rent excepted, the expense of a large house would be no greater than a small one. I gave him credit for liberality in what he did, and was grateful, very grateful, for it, as his daughter's husband. But I asked nothing of him, never hinted even at the question of money as having any share in my engagement or marriage; so far from it, that Mr. Grigg himself was most

desirous to expedite the marriage, and a very few days after confirming the engagement, held out incentives to me to that end. He urged upon me a visit of two or three years to Europe, at his expense, which I positively declined, because I was unwilling to go in a dependent condition. Mr. Grigg renewed the same offer on an early occasion, and argued earnestly against my objections, saying that it was nobody's business at whose cost I went abroad; that he would send me to Europe more in the style of a prince than an ordinary man—this being his identical expression. I thanked him sincerely, as his proposal demanded, but still preferred the condition and consciousness of my own business, and my living by it at home, to the idleness and pleasures of foreign travel, if enjoyed at any man's expense, even my father-in-law's. I mentioned, at the time, this circumstance and Mr. Grigg's peculiar language, to two or three friends, who well remember both. Where was the mercenary spirit in this? Do not Mr. Grigg's offers and his acts, from the day that I informed him of my attachment to his daughter, prove his willingness to seal it by my marriage? No man could have had more encouraging tokens that an alliance would be welcome than Mr. Grigg extended to me. Yet, now in contempt of truth, he would create the impression that I came to his door an unprincipled adventurer, and dares to assert—I quote his own words under oath—that “I robbed him of his child, in the eager pursuit of her fortune!” I submit that this opprobrious charge annihilates every obligation to him, and every claim, which up to this moment, he may have had on my forbearance.

When the marriage took place, and my bridal party were to leave the city, I myself provided the money for our expenses, and I paid them all, every dollar of them. Mr. Grigg had previously given his daughter a bridal present of several hundred dollars, but she did not confide it to my care, I never asked her for it, never meant to do so, and she never tendered it to me; although when our honey-moon had scarcely waned, she wrote to a strange man that she would use it to go and live near him, “for all her love was centred on him,” and she had “no one to look to but him.”

It is true that when we had been more than a fortnight absent, Mr. Grigg wrote to his daughter that he had intended the sum for traveling expenses, because he may then have been aware that I was defraying them. Still I repeat I never touched the money. Also it is true, that after our return home, when I made him acquainted with his daughter's behavior to me, (it was before the detection of any correspondence,) and when I told him that if he would not uphold her, she might be brought to a sense of duty; that I feared that if he supplied her with money, it would encourage her resistance to my proper influence, and therefore if he wished to supply her, it had better be through me; it is true that then he offered me a check for five hundred dollars, remarking that I had paid the traveling expenses. I declined to take it



at first, feeling the offer on his part to be very inopportune; but as he pressed the point, I took it. It was all the money I ever received at his hands, and but little more than our traveling expenses amounted to.

The house purchased for my wife's and my occupation was held by Mr. Grigg himself, without any trust for or settlement upon either of us. The furniture was in no formal manner given to either of us, but was put into the house simply for our use. Thus, as I have said, my wife had nothing, nothing to call properly her own, or over which *she* could, if she would, "give me the control." But the law did give me control to this extent and under these circumstances. Her father had provided the house and furniture for our common use and enjoyment, and had placed me, with her, in possession. When she deserted that home, it was still *my* home of right, and I might, as I doubt not, have retained possession of the house for at least two years after my wife's desertion, and of the furniture as long as she lived. But what was my conduct? I retained possession only a few weeks; intentionally long enough to afford no pretext for the charge that I too had abandoned my home, and then of my own free will, surrendered it, with all its contents, to Mr. Grigg. Was this mercenary?

Such are the facts upon which he seconds and repeats his daughter's calumny in reference to the motives and circumstances of my marriage. Because he was rich, was his daughter not to be married at all? And who could have married her, unless a man of overgrown fortune, independent of all exertion, and not have incurred a similar charge from the insolence of his wealth? I brought his daughter the training, the industry, the experience and the character of a self-reliant business man, whose honesty and honor no man, till now, has ever called in question.

The second point in Mr. Grigg's memorial, which I select to answer, is his attempt to parry the charge I have made, that he virtually encouraged his daughter in her infidelity to me, and in her final desertion of me. In the most critical moment of her married life, I appealed to him to sustain her own and her husband's honor. I had accidentally detected what seemed to be an illicit correspondence. Without breaking the seal of the letter myself, I claimed to know who addressed her. I invited his presence to support me in this claim. She prevaricated and refused to tell me who was the writer. I turned to her father. That was the instant for him to have spoken as a father, as a husband himself, as a man of virtue and courage, and good faith, stretching out a hand to save a woman on the brink of sin and ruin. What did he do? Insulted me, degraded me in the eyes of my wife, fortified her falsehood, sanctioned her shame! In that instant all was lost. Had he been faithful to the plain dictate of duty; had he been firm; had he not cringed irresolutely when he should have stood up in the dignity of paternal influence, and rebuked the perfidy of his daughter to her husband, and pointed out the path of her

conjugal faith as the only one to his own sympathy and protection; had he done this, the sole prop to her bad purposes would have failed; and had the past been pardonable, the future might possibly have been honorable and happy. But he was found wanting. Too blind to see whither she was rushing, or too imbecile to arrest her fatal progress, he let her fall into the disgrace from which, too late, and by means as ignoble as his error was pitiful, he now seeks to rescue her. For this I arraign him; and there is not a parent who knows a parent's trust, not a husband who knows a husband's rights, or feels a husband's honor, but will join me in denouncing him as I have, recreant, imbecile and unworthy of either of those sacred relations.

The third point in Mr. Grigg's memorial, which I shall meet, is his allegation that I sent him a Police Gazette, with a libellous attack upon my wife. I presumed that for any man of common sense, I had sufficiently disposed of that charge in my answer to her petition, already presented to your honorable body. But as Mr. Grigg sees fit to endorse and reiterate that charge, I shall meet it again. In my answer to my wife's petition, I was as forbearing as the necessities of my cause would permit. But now, attacked by Mr. Grigg directly, as I was before indirectly, under cover of his daughter's name, I owe him no tenderness, and shall speak on this subject as his wanton injustice to me demands.

My wife's petition and my answer were published on Sunday, the 6th instant. The next day I was called upon by a gentleman of standing, who told me that he had learned who had sent the Police Gazette, referred to above, to Mr. Grigg; and shortly afterwards he introduced to me Mr. Lewis S. Briest, whom I had never known before in any way, and who tendered further information on the subject, which is best given in Mr. Briest's own words, as follow, viz:

Lewis S. Briest, being duly sworn, says:—That he is, and has been for some time past, a reporter for the public press of Philadelphia. That in the month of September last this deponent enclosed in an envelop, and sent to John Grigg, Esq., of the city of Philadelphia, and addressed to him, a copy of the United States Police Gazette, containing allusions to, and remarks upon the case of Mr. and Mrs. Horace B. Fry. Deponent did this without the knowledge or consent, and not at the instance or procurement of Mr. Horace B. Fry, or any one on his behalf or account. He and Mr. Fry were entire strangers to each other. Mr. Fry had no knowledge, until within a few hours of the making of this deposition, of deponent's having sent the said paper. The whole thing was done without any connection, in any way, with Mr. Fry.

LEWIS S. BRIEST.

Sworn and subscribed before me, February 7, 1859.

JOHN B. KENNEY, *Alderman.*

After this I presume it is quite unnecessary to comment upon the affidavits of Mr. Chas. B. Dunn, (whom I scarcely know,) or Mr. John Warner Grigg, (who has had two or three letters from me,) as to their knowledge of my writing—a knowledge so intimate that they can detect my hand even when disguised. The fact is, that Mr. Briest's writing somewhat resembles my own, and my counsel now have specimens of it, which demonstrate the similarity. But Mr. Grigg is not content with charging, upon flimsy testimony, the specific act which I have thus disproved, he indulges, also, without any shadow of evidence or probability, in the assertion that I “systematically endeavored to destroy the reputation of his child,” forgetting that he had destroyed it himself, when he permitted her to dishonor my name. However, I happen to be not without proof that, grievously as she had wronged and shamed me, I spared no effort to screen her course from public observation, as I have already circumstantially stated in my answer to her petition.

But Mr. Grigg's conduct cannot be so easily defended. On the 26th day of September last there was published in the Sunday Transcript of this city, an anonymous communication, containing slanderous charges or insinuations against myself; one especially, that a proposition had been discussed of compromising my difficulties with Mr. Grigg for the sum of one hundred and fifty thousand dollars. Mr. Grigg knew then and knows now, that I have never by the most distant hint, by myself or any one speaking for me, referred to a compromise for any consideration or upon any terms whatever. He knows that any allegation to this effect is and always has been a vile and baseless libel; that my dealing with him from the start, has been perfectly independent and upright. Knowing this, and knowing that the article in the Sunday Transcript defamed me abominably, he busied himself on the Sunday morning on which the paper was published, in buying copies of that paper and sending them to his acquaintances. I received one myself through the the post, which I said at the time, and still reasonably suspect, came from him; and I have grounds for believing also that he sent some by mail to persons at a distance, who know me. Three ladies, who have informed me of the fact, received each a copy of the same paper. Mr. Grigg knows as well as they, by what hands those copies were delivered.

Kindred with the accusations I have just answered, is a fourth in relation to my decision upon a verbal proposition, made to me by two gentlemen, speaking also in the name of a third, but never in concert, and who addressed me as friends alike of Mr. Grigg and myself. That proposition, as he states it, was that I should apply to the Legislature for a divorce, on the ground of my wife's desertion, and that no opposition should be offered by her. My own understanding of the terms was not this:—But it was, that I should apply for a divorce, on the ground of incompatibility of temper, and that Mr. Grigg would take upon himself the payment of any expenses neces-

sary to procure it. One of my friends, who was also spoken to by one of the gentlemen referred to, conceived as I did, this to be the ground proposed, and both that friend and myself, so stated it at the time to others whom I took into my confidence as advisers, before I gave my answer to it. I so stated it to my legal counsel, with a view to be advised by him especially. The conception of the two gentlemen, it now seems, did not conform to this view. The conversations they had with me (separate I repeat, and not together) were not formal—but friendly and discursive. Nothing was put upon paper. Hence a misunderstanding was quite possible, and I acted upon the full belief that I was to decide, whether I would make an application for a divorce on the ground of incompatibility of temper. A reason why I should not have conceived or thought of my wife's desertion, to be the ground proposed, was that this cause belongs to the jurisdiction of the courts, as I knew perfectly well, and therefore excluded by the Constitution from legislative action. I deferred a reply to the proposal, as understood by me, until as I have mentioned, I could consult my counsel and one or two intimate friends. Their advice was emphatic and unqualified, not to accept the proposition, and this agreed with my own views,—because, first and sufficiently, the ground stated was not true. I knew better than any one that it was false; I knew that my temper was compatible with the temper of any one, who was not confessedly beyond the pale of sane association. I could not consent to falsify fact and my own nature and character. If I had applied on oath to your honorable body, upon the plea proposed to me, I was conscious, that I should commit perjury, and might induce you to grant me a divorce on grounds which had no existence. This, I say was my first and all sufficient reason: but there was another. I knew that my reputation would not be safe in such a proceeding, nor in one founded on an alleged desertion. There had not been wanting persons, Mr. Grigg among them as I have shown, to raise suspicions of my motives, which were aspersed as corrupt. Had I accepted Mr. Grigg's proposal, either as I understood it, or on the ground of my wife's desertion, there is little doubt the same pens, and the same tongues and the same hands, would have endeavored to satisfy the public, that I would never have consented to such a proceeding, without a consideration; and contrary testimony would not have availed, as at this moment no testimony does avail with Mr. Grigg himself, to arrest the repetition of the libels in his daughter's petition, which I had disproved before the presentation of his memorial. Before I declined the proposal, there were not wanting parties, who urged its acceptance for reasons, which to me, only made its rejection the more incumbent upon my self-respect. It was earnestly and eloquently represented to me, that if I did not yield this point, Mr. Grigg would make an application for divorce, on his daughter's behalf; that I must anticipate all sorts of slanders; that the newspapers would seize upon the matter; that it would be



served up and scattered abroad as a public document, and so commented upon, in a manner that I could not suppress or prosecute as libellous ; that it would go far and wide where no answer would reach it ; that the falsehoods thus disseminated would damage, if not ruin my social and business character ; that a pretty young woman and a rich old man could do anything with the susceptible hearts or palms of your honorable body ; that my case would be utterly hopeless against such odds, and much more to the same effect. My answer to all this, was : that I had done no wrong, and that while I was conscious of my own integrity and the strength of my cause, I feared none of the terrible consequences which had been held before me : and therefore when I gave my formal reply to the gentlemen who made me the proposition ; it was this,—that the Legislature was not the proper tribunal for a clear case like mine, which came within the jurisdiction of the courts ; and that in due time I would appeal to the latter for a divorce, guarding my wife's reputation as far as possible. I remarked that I was opposed to going before the Legislature for any cause ; that if I had a case for divorce I would maintain it in a court of justice ; that Mr. Grigg had no right to approach me with any propositions whatever on the subject, for I felt that it was adding insult to the injury I had already sustained. Had I not the right to take this position, no matter upon what basis I was solicited to appeal to your honorable body, fortified as I was by legal counsel and by judicious friends ? Was Mr. Grigg the man to dictate to *me*, terms, or modes or the time of a divorce from his daughter, who had violated her oath of love and honor to me, and abandoned my home, but one month after her marriage ? And because I rejected a proposal which I deemed unworthy, he now dares to charge me with the consequences of his own infatuated proceedings before your honorable body, when he had ample warning, himself, that if my character should be assaulted unjustly, I would defend myself with the damning facts, which I have previously submitted to his consideration. And how was I assaulted ? Let my wife's petition tell—branded as a brute and a liar, and only not an assassin, because I was afraid to be so. And these are the soft suggestions to which,—if Mr. Grigg's memorial treating of this matter means anything,—I was tamely to submit.

A fifth subject, to which Mr. Grigg's memorial calls for a reply, is the question whether or not his daughter had a hemorrhage of the lungs when at West Point, and whether or not I in any way caused it ? I have stated in my answer to her petition, my belief and impressions as to the nature of that bleeding, and to them I adhere. That I ever caused it I deny. And as to the physician's opinion of the case, I am still sure he did not pronounce any disease as existing. I did not care myself to contradict publicly the idea that she had had a hemorrhage of the lungs. My anxiety was to get her away from West Point. I felt that she was hazarding disgrace. I was content

with any pretext, and purposely humored the notion of her indisposition to effect her return home. Let any sensible and sensitive man reflect on my painful position, with a three weeks' bride already becoming the object of doubtful talk, and he will have no difficulty in understanding the whole matter. Suffice it, that my wife walked a long time the next day, went to a hop the same evening, that she has ever since been perfectly well, proof enough that her ailment could have been nothing serious.

I now come to the matter of my own letters, dated from West Point, on which Mr. Grigg lays great stress to prove that I was perfectly contented with his daughter, and that my expressions to that effect, being inconsistent with my declarations in my answer to her petition, my credibility is thereby destroyed. What does it all prove? That my trust in her worth, and my hopes in her love, were not extinguished in a fortnight; and at a distance from her family, feeling as any gentleman would under such circumstances, even if I had a misgiving, or a pang, or many of them, I must still when writing to a nervous and tender mother and a liberal father, or to a young brother but little known to me, and three thousand miles off, paint the happiness of our union only in rose color, and touch the name of my wife with nothing but praises. I might concede to Mr. Grigg all the benefit of contrasting my letters to his family, with any opposite expressions in my answer to my wife's petition; but a reference to that answer shows a state of mind quite consistent with such words as he quotes. I say in that answer, referring to my wife's conduct, "I reasoned against facts, I hoped against accumulating disappointment." If so to myself, how much more to others, and especially to those whom I was most anxious to make happy in the belief of their daughter's loveliness and of my content? If my character for kindness and truth have no more than this to contend with, I may submit it, without fear, to any tribunal of honor.

The subject of the visit of Mr. Charles Williams and Mr. P. L. Yorke to West Point on my behalf, to obtain any letters or presents from Mrs. H. B. Fry's correspondent there, I think may be safely left to the sworn statements of those two gentlemen, which will be forthcoming when called for. They had their instructions from me, necessarily with some discretion, as I did not and could not know all the bearings of the case. In the exercise of that discretion, they brought back a letter and miniature of my wife's, which they gave to her without my ever having seen either, and they obtained from her the letter which I had detected, and returned it to the writer, at West Point. My friends faithfully, as gentlemen of their known honor would do, fulfilled their mission. They had, on sudden notice, consented to go to West Point for my sake, disagreeable as the errand was, and I felt it was a point of delicacy not to interfere with the terms of an arrangement which their interest in me, as well as other parties, had decided upon. My part, too, of any im-

plied obligation, was religiously performed. It was my wife's desertion, soon after, which gave the matter to the public ear and tongue. All that I or my friends could do, was done to suppress the scandal, from that time to the attack upon me in your honorable body, which I am now defending. As for any opinions expressed by Mr. Williams to Mr. Wagner, full two weeks after the former's agency on my behalf had ceased, with regard to Mr. Wagner's conduct, it is unreasonable to hold me responsible for them. Mr. Williams wrote to Mr. Wagner, as he now tells me, in answer to a letter from the latter. I had nothing to do with that correspondence in any way. Mr. Williams was no more my agent then than he is now; and this fact Mr. Grigg must have perceived, from the dates and matter of those letters; and the attempt to fasten Mr. Williams's opinions on me is another example of the disingenuous arguments of Mr. Grigg, which alternate his positive misstatements.

Having thus freed myself from the responsibility of endorsing Mr. Wagner, I come to his letter to Mr. Grigg. I shall deal summarily with that letter. In it the writer says—"I do most solemnly avow that *all* my personal intercourse with her (Mrs. H. B. Fry) was such as might freely occur between a gentleman and a lady, and was governed by principles of friendship and *honor*." Six days—the period is worth noting—six days after Mrs. H. B. Fry left West Point and returned home, Mr. Wagner wrote her a love letter, beginning "Dearest Emily," and ending with a desire that she should continue to write and confide in him. This I perfectly well remember of that letter. Now, if, as Mr. Wagner "*solemnly avows*," "all," let it be remembered, "*all* his personal intercourse with her was such as might *freely* occur between a gentleman and a lady," a lady who was another man's wife, only three weeks married, it is quite pertinent to ask, by what stages their familiarity reached the point that he could hold a surreptitious correspondence with her, address her as only a husband or lover or very near relative addresses a woman, and encourage her to continue to make him the recipient of her heart's secrets, and, of course, of her husband's confidence?

It is, however, by no means necessary to my case thus to set aside Mr. Wagner's letter to Mr. Grigg. If a score of witnesses were produced, to prove that they overheard every word that Mr. W. says my wife told him, it would amount to nothing, and should amount to nothing. Her inconstant nature sought a change. She had conceived a new passion, which prompted her to gain his affections. She herself in her letter to him, speaks of "the preference for him," which she was informed had been a matter of public comment. There are few men who would have the presumption to tempt the affections of a young lady just married. Both her own and his statements may be accepted, to show that she sought his "sympathy." Why *his* sympathy? Why not her mother's, or her father's, or her sister's? She

could have written to them and invoked their counsel or their presence, and I could not possibly have prevented her; or she could have said to any of the ladies or gentlemen who were at West Point from Philadelphia, "Write to my father, I want him to come here, or to my mother." Her letter to Mr. Wagner proves her an adept at expedients; so it could not have been for want of knowledge or ingenuity, that she did not do this. But this was not what was wanted. Mr. Wagner was to be gained, and as he, I am very willing to believe, would not have thought of taking the first step, it was necessary to invite it. Hence the sympathy, which must, of course, have a basis; and hence the very credible romances of my "slinging" her violently from a chair, and occasionally throwing chairs at her, the noise of which the good people in the rooms around, above and below, were too polite ever to complain of; and my varying this exercise, by rushing to my trunk for pistols to shoot her, which I would remember were not loaded; and my being more lucky at another time, when they were pointed at her head, loaded of course, since I before refused to present them when they were not.

I exhibit a motive, an all sufficient one, for my wife's conduct; and as her sworn narration of particular facts, such for instance as my behavior on the wharf when leaving Philadelphia, is proved, by the annexed affidavits, to be false, it follows that any unsupported statements which she made at West Point to Mr. Wagner, especially any so preposterous as those above quoted, are entitled to no credence whatever. Mr. Grigg, standing in the foreground of his memorial, in the same attitude as he did in the back ground of his daughter's petition, fails to sustain her assertions of my personal violence by any semblance of probability, much less by testimony. And the very apology which she offers for her intimacy with Mr. Wagner, is a reproach to Mr. Grigg, so humiliating that if he had not been bewildered by his malicious hunting down of my reputation, he would have seen it in time to escape the shame. What, I might ask him, what could have been the degree of trust and confidence between him and his daughter; what the nature of the good domestic example which he boasts of having set his family; what the endearing care on the one hand, and the frank reliance on the other, when that daughter preferred to pour her alleged sorrows, the sacred secrets of her few married days, into the ear of a yesterday's acquaintance, while a word flashed by the telegraph should have brought a protecting parent at her side? Therefore might I say to Mr. Grigg, the greater the truth of her pretended apology, the greater the reproach to himself. No, it was not for any wrong I had done her at West Point that she honestly required sympathy; that was the pretext merely; for had it been real, she would have been eager to return home, to be near her parents, and to find comfort and aid in them. But so far was this from being the case, that my influence was in vain exerted to make her leave the place, and I was only too glad to second or suggest any idea which would



terminate the visit. And I now repeat, that when she did come home, it is not pretended that she sought any early opportunity of confiding to those whom nature had made nearest, and principle should have made dearest, the wrongs charged on me, which caused her to court a perfect stranger, if her story be accepted, in order to find support in his counsel, and solace in his sympathy.

Mr. Grigg informs me of a crime I have committed—the arrest of a love letter, written by my wife to another man. He favors me, too, with a notice of the penalty for that crime—five hundred dollars fine, and one year's imprisonment! Why, what value does Mr. Grigg set upon his daughter's reputation; that daughter whom, of course, he would have emulate his "well spent life;" what value upon her reputation, when he would shrink from a fine of five hundred dollars, and a year's imprisonment, in order to save it? Did he give her to me to love, honor and cherish her, and suppose I would passively permit her to rush, I knew not whither, it might be, to disgrace? But Mr. Grigg's legal, are no better than his moral conclusions, if he supposes that any law could be interpreted to make a husband's peaceable protection of his wife's virtue or good name a penal offence.

When my intercourse began with Mr. Grigg, growing out of my engagement to his daughter, he was most flattering in his demonstrations of satisfaction. I mistook what he terms his bluntness of manner for straight-forward honesty, and his expenditures in his daughter's behalf, for true hearted liberality. His relation to me, under the circumstances, commanded my respect and gratitude, both earnestly felt and expressed. It was under such impressions, that a few days after my return from West Point, I wrote Mr. Grigg a note for the first time, informing him of his daughter's irregular course, and seeking his influence to bring her to a sense of duty. As he has exhibited my letters, showing how tenderly I spoke of her during the first days of our absence at West Point, it would have been simply fair to give also the note to which I refer. Since his memorial appeared, it occurred to me that I had a draft of that note, which I have found and now submit. It is with a reluctance which any sensitive mind will estimate, that I yield to the necessity of thus laying bare my heart to the public.

*September 2, 1858.*

MR. JOHN GRIGG,

*My Dear Sir:*—With more pain and grief than I have ever known or conceived of, I am impelled to address you. I prefer to do so on paper that you may the more calmly consider what I have to say. If, by any possibility, I could spare you this communication, I would; and I have tried and hoped to do so, but the necessity now is not of my own making, and of this you will be convinced.

When I addressed and married Emily it was with an honest and sincere affection, with a full sense of my duty, and the conviction that the greatest happiness of my life, would be in studying and promoting hers. It was my fate, however, to discover within a very few days after my marriage, that my feelings and my wishes were disregarded by Emily, that my society was avoided for that of strangers, and that not only was there no gracious regard for my own good will, but not even for the respect of others. On the conduct, or rather the systematic course which evinced this estrangement, I remonstrated kindly and temperately. But all my devotion, all my entreaties, all the evidences of my suffering were unavailing, and I found myself not only neglected in private, but shunned and insulted in public and my honor in peril.

Goaded to frenzy by this cruel treatment and finding all kind and fond remonstrances in vain, I expressed my feelings on one occasion in decided, possibly violent, terms. It was, however, the burst of a heart which was strained and crushed beyond endurance. For what I may have said (it was in the privacy of our own room) I afterwards made every possible atonement in the expression of my regret and sorrow; and added to my apology every pledge which my sincere love and my interest in Emily's welfare, could suggest, of devotion to her happiness. It was all, however, of no avail. I continued to be treated with unmitigated indifference or absolute rudeness.

Since our return home, I have been as I aver to you, at every moment of my intercourse with Emily, what you, when present, have seen me. There is no caprice which I have not studied, no wish which I have not endeavored to anticipate, no evidence of my affection that I could possibly tender, which I did not seek to offer. Not for a moment have I shown impatience, or temper, or even a sense of wrong. And yet, my dear sir, no language can express to you the utter, systematic and studied indignities which I have suffered, amounting, apparently, to a settled determination to persecute me into some word or act, unworthy of myself and my relation.

It is only now, when I have found and am assured by Emily herself that all my efforts are hopeless, and feel that if I do not myself present this miserable state of things to your consideration, the knowledge may reach you through some less proper channel, that I thus disclose it to you.

What to do I cannot say. I am powerless and broken hearted. I have held up against this hard fortune, this fearful disappointment as long as I can. My mind, my health, my capacity for any duty are giving way under such oppression. God knows I would spare you who have been so kind, so generous, so studious of our happiness. But if this note does not convince you, you will too surely know, that I have had no choice but to speak.

Think, I beseech you, what can be done. I am in your hands, full of gratitude for all your kindness, still loving my wife with all my heart, still anxious

by any means to fulfil all my duty, and to be to you and herself a comfort and an honor. Believe me,

Yours respectfully,

H. B. FRY.

When the date and circumstances, under which this note was written, are considered, before the discovery of my wife's clandestine correspondence, I trust it will carry conviction to any mind of its perfect truth and sincerity. It was the day following the receipt of my note by Mr. Grigg, that in his office he took it out of his desk, spoke of it and of myself in commending terms, and pledged me his support in controlling his daughter. How fatally he violated that pledge only one day afterwards, and how wantonly he has abetted her attack upon my character, I think I have shown.

It has seemed to me unnecessary to encumber this case with testimony of my own uniformly gentle and considerate care of my wife when at West Point, or of her rudeness to me and undue familiarity with another man. She herself records the fact and the common rumor, in her letter to that individual, already presented in my answer to her petition.

It is reported to me, on credible authority, that efforts have been made to influence the judgment of your honorable body in this case, by statements that, as my wife and myself cannot be reconciled, therefore it is right and proper to divorce us by legislative act. Against this assumption I do most earnestly protest; and I respectfully submit, that I, and I alone, as the injured and deserted party in my matrimonial alliance, have the right to determine when and where and how that bond shall be dissolved. I further submit, that no party acting as my wife has done, has any claim at the hands of your honorable body, or of any tribunal whatever, to the benefits of a divorce, at her own instance. In view of my wife's grievous dereliction, which no casuistry or dramatic pathos can extenuate, her petition, unsustained as it is, in a single essential point, presumes too far upon your indulgent attention.

To grant it, under these circumstances, would be to give the solemn sanction of law to an offence which God and man regard as striking at the root of morality, of social order, and at the very life of the family compact. Therefore, not only in my own behalf, but in that of society, do I appeal to your honorable body to set the seal of your condemnation upon this attempt to break down its holiest barrier; and I pray you to dismiss my wife's petition as unworthy your further consideration.

And your respondent will ever pray, &c., &c.,

HORACE B. FRY.

PHILADELPHIA, *February* 16, 1859.

Albert D. Bache, being duly sworn, says, that he is a resident of the city of Philadelphia and in business there. He was a groomsman at the marriage of Horace B. Fry, and saw him and Miss Emily L. Grigg married, at her father's

house, in Walnut street, Philadelphia. The Rev. Dr. Morton performed the ceremony.

Immediately after the marriage the bridal party started on an excursion. Deponent met them at Walnut street wharf, a little before five o'clock of the day of their marriage, which was the 2d of August, 1858. He saw them off, but did not accompany them on their trip. They were at the wharf when deponent arrived. Mr. Fry was then attending to the baggage in order to see it checked, and the ladies, that is, Mrs. Fry and the two bridesmaids, Miss Tracy and Miss Fry, were standing near, on the wharf. Deponent stood with the ladies until Mr. Fry had arranged the baggage, when he joined them. All went in company on board the boat. Mr. Fry walked with his wife. Deponent remained with them until the boat was about starting, when he went on shore. During all the time spoken of, deponent observed no ill temper or excitement or rudeness on the part of Mr. Fry, and heard no excited or improper language. The parties spoken of appeared to be in good spirits and in friendly conversation—all seemed good humored and chatty. Deponent saw nothing which indicated an interruption of the good feeling which was suitable to the occasion. He did not hear one word about baggage said by any one of the party. In passing into the boat, Mr. and Mrs. Fry walked in front of deponent and the rest of the party, but near enough to have allowed any thing said in a loud tone to be heard. Mr. Meigs also accompanied the ladies to the boat, having joined the party at the same time with deponent.

ALBERT D. BACHE.

Sworn and subscribed before me, this 9th day of February, 1859.

CHARLES D. FREEMAN, *Alderman*.

PHILADELPHIA, *February 14, 1859.*

MR. HORACE B. FRY,

*Dear Sir:*—You have requested me to state in writing whether, when present on the occasion of your departure from this city on your bridal tour, I saw anything improper in your conduct, or heard you use any intemperate language.

In compliance with your request as above, it gives me pleasure to state, that when I called with Mr. A. D. Bache to take leave of yourself and party at the boat, where I spent some ten or fifteen minutes previous to your departure, I observed nothing of ill temper in your conduct, or improper language, and nothing in the appearance of your company inappropriate to such an occasion.

I remain, sir,

Very respectfully,

Your obedient servant,

S. EMLÉN MEIGS.



Lewis S. Briest, being duly sworn, says :—That he is, and has been, for some time past, a reporter for the public press of Philadelphia.

That in the month of September last, this deponent enclosed in an envelop, sent and to John Grigg, Esq., of the city of Philadelphia, and addressed to him, a copy of the United States Police Gazette, containing allusions to and remarks upon the case of Mr. and Mrs. Horace B. Fry.

Deponent did this without the knowledge or consent, and not at the instance or procurement of Mr. Horace B. Fry, or any one on his behalf or account. He and Mr. Fry were entire strangers to each other. Mr. Fry had no knowledge, until within a few hours of the making of this deposition, of deponent's having sent the said paper.

The whole thing was done without any connection, in any way, with Mr. Fry.

LEWIS S. BRIEST.

Sworn and subscribed before me, February 7, 1859.

JNO. B. KENNEY, *Alderman.*

#### COPIES OF DR. S. J. MOORE'S LETTERS.

WEST POINT, N. Y.,  
February 16, 1859. }

SIR :—I herewith enclose a copy of my letter to Mr. David Webster, dated February 10, 1859. I deem no explanations necessary, to explain why I do so.

Very respectfully, your obedient servant,

S. J. MOORE.

Mr. H. B. FRY,  
68 South Third st., Phil'a, Pa.

WEST POINT, N. Y.,  
February 10, 1859. }

SIR :—I received your letter of yesterday's date, by this morning's mail, as well as one from Mr. Fry on the same subject.

I have decided not to make any statement, unless required to do so by due course of law, when I shall be ready to give all the information I possess on the subject.

As you are in error respecting a part of what I said in our accidental interview on Saturday, I wish to correct you. I said, "I was called to see Mrs. Fry, who, it was said, had hemorrhage from the lungs."

Very respectfully, your obedient servant,

S. J. MOORE.

Mr. DAVID WEBSTER,

130 South Sixth st., Phil'a, Pa.

A true copy :—S. J. MOORE.

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### WILLIAM HENRY FRY'S AFFIDAVIT.

*William Henry Fry, being duly sworn, says:*

I am a resident of the city of New York, and an editor of the New York Tribune. On or about the 17th of last September, there was brought to my notice a printed proof-slip letter, from an occasional Philadelphia correspondent of that journal, which contained certain statements respecting the matrimonial difficulties of Mr. and Mrs. Horace B. Fry. Disapproving utterly myself of the publication, I sent this printed proof-slip of the letter to Mr. H. B. Fry, in Philadelphia, who immediately wrote to me to have the letter by all means suppressed, and not to allow any reference whatever to his wife's conduct, nor his difficulties on that account, to appear in the Tribune. The letter referred to was suppressed by me and not published; and nothing subsequently appeared in the Tribune, until after the commencement of the present proceedings in the Legislature of Pennsylvania, and not until the 26th day of this month. The tenor of the letter was entirely favorable to Mr. H. B. Fry, and adverse to his wife's reputation. I have the printed proof-slip above referred to, and annex so much of it as has reference to Mr. and Mrs. H. B. Fry's visit to West Point, and the subsequent occurrences. The letter was dated September 16, 1858.

WM. HENRY FRY

Sworn and subscribed before me, February 28, 1859.

JNO. B. KENNEY, *Alderman.*

The annexed printed matter is the part of the proof-slip referred to.

WM. HENRY FRY.

"On this trip, they drew up and halted at West Point. It was a most unlucky halt; for here, amid the throngs of gay company which the season had collected at this celebrated spot, the bride became acquainted with one of the cadets, between whom and herself a most extraordinary and violent admiration for each other was speedily established. It was manifested by intimate

association at all times and places. It is not alleged that any violation of the decalogue was indulged in; but the intimacy was so incessant as to attract general attention. The husband was particularly struck with it, as his young wife was studious to avoid him whenever it was possible for her to do so. To put an end to the humiliating scandal, he resolved to cut loose from West Point, and push off further north. But the infatuated wife resisted, and determined to remain. They did remain some two weeks, when the honeymoon was cut short by the newly wedded pair returning to Philadelphia. Here, after the lapse some not happy days, the cadet wrote to the wife, proposing an elopement. The letter fell into the hands of the husband. An eclaireissement followed, which ended in the wife leaving her husband's house, and returning to her father's, and now a divorce by the next Legislature is to be invoked to free her from the bondage of her recent marriage. Altogether it is a most extraordinary instance of infatuation. The bride's mother, a woman of most exemplary mind and character, is said to be borne down by the weight of this unexpected humiliation. The new husband is an unexceptionable gentleman for whom the greatest sympathy is entertained. Much exaggerated gossip has been put afloat in connection with the affair. It is hoped these simple, but authentic particulars will serve, by giving the true, to prevent the publication of the untrue. The gossips of the Sunday press are already on the track, and will doubtless ventilate their fancies by adopting much of this exaggeration. But the facts of the case are sufficiently melancholy to need no embellishment from penny-a-liners. I write not only to give information, which will certainly find its way to the press, but to convey a caution against believing the exaggerations of others."

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#### AFFIDAVIT OF DUANE WILLIAMS.

*Duane Williams, being sworn according to law, says:*

That having occasion to see Mr. John Grigg in his office, 226 Walnut street, between the hours of 10 A. M., and 1 P. M., on Saturday the 28th of last August; on finishing my business with Mr. Grigg, I asked after his daughter, Mrs. H. B. Fry, whether she had returned home from West Point, and also as to her health. Mr. Grigg replied, that she had returned on the previous evening; that she was indisposed, slightly so, arising from the excitement of her visit to West Point—a place, Mr. Grigg remarked, unfit for a young married woman. He then further remarked, as I was leaving his office, "I myself am partly to blame for this matter; Mr. Fry intended to leave West Point sooner, but Emily wished to remain, and wrote me to that effect, and I wrote to him to do so. My only desire was to gratify my child." In quoting

this remark of Mr. Grigg's, I do not pretend to give his precise words, but I do give the precise meaning of what he said.

DUANE WILLIAMS.

Sworn and subscribed before me, March 1, 1859.

JNO. B. KENNEY, *Alderman*.

### AFFIDAVIT OF HORACE B. FRY.

Having learned from one of the counsel of Mr. John Grigg, that Mr. O. G. Wagner, of West Point, has appended his affidavit to his letter to Mr. Grigg, dated West Point, February 5, 1859, and which forms a part of Mr. Grigg's memorial to the Legislature, it becomes necessary for me to meet, under my oath, so much of Mr. Wagner's statements as may seem to raise a question of veracity between him and myself. I had stated in my answer to Mrs. Emily L. Fry's petition, that the letter of Mr. Wagner to her, which fell into my hands, and which she opened in her father's and my presence, was a "love letter." Mr. Wagner, in his letter of the 5th ultimo to Mr. Grigg, thus speaks of his intercourse with Mrs. H. B. Fry, and of that letter, and of the correspondence of which it formed a part:—"I do most solemnly avow, that all my personal intercourse with her, was such as might freely occur between a gentleman and a lady, *and was governed by principles of friendship and honor.*"

In another part of Mr. Wagner's letter to Mr. Grigg, Mr. Wagner thus and thus only refers to his letter to Mrs. H. B. Fry, which I had detected:—"This (Mrs. H. B. Fry's) letter I answered, and in my answer I renewed my advice that she should rely solely upon her parents, and be guided entirely by them."

This, I say, is all the account or description which Mr. Wagner gives of his detected letter to my wife. So long as this statement remained simply as part of a letter to Mr. Grigg, I was content to pass it over with no more comment than I have made in my answer to Mr. Grigg's memorial, as demanded by the necessities of my case. But now, that it has the sanction of Mr. Wagner's oath, my honor, as well as the ends of justice require that I should state also, under oath, what I know of that correspondence, so far as indicated by Mr. Wagner's letter to my wife. What answer it drew from her is already known. I therefore present the following facts:

When my two friends were about to go for me to West Point, I gave them a copy of Mr. Wagner's letter to my wife, which I had detected. I also made another copy, carefully collated, which I retained while they were absent. I read the original when it was first opened by my wife, on Saturday the 4th of September last. I read the whole of it aloud to Mrs. Grigg—Mr. Grigg having refused to listen to more than a few lines, after he had perceived it was a love letter. I read it again in comparing the copy with the original. I read it



again on making a second copy. I read it certainly two or three times while my two friends were absent. When they returned and reported the conditions they had made with Mr. Wagner, namely:—That in consideration of his return of my wife's letters then in his hands, and any future letter to be received, to be returned unopened to me; and in further consideration of his pledging himself never to communicate with her, nor ever to know her again under any circumstances;—when, in consideration of these conditions on his part, I agreed to destroy all copies of his detected letter to my wife, I again read my copy of it very carefully, for the express purpose of impressing its spirit and object on my memory. Thus strengthened by eight or ten attentive readings from first to last, before I destroyed the copies—fulfilling faithfully my obligation to do so—my recollection of that letter is so very distinct and decided, that without qualification or doubt, I now state it.

The letter was a "love letter." It began "Dearest Emily." It filled about seven pages, or nearly two sheets of note paper, closely written. The first sentiment was that of excessive grief in being parted from "Dearest Emily"—greater distress even than the writer had anticipated,—so much, that he blamed himself for allowing her to leave him. It dilated upon their romantic conversations and referred to their union, which they had both so frequently discussed and hoped for. Then, there were doubts about accomplishing it; and the reverse of the picture was presented with a soldier's grave in perspective. Then the separation from me (her husband!) was discussed; its consequences to dearest Emily, if she should effect it in a manner to damage her reputation, which was evidently not consonant with the writer's special calculations for himself. Then the counsel was given to be governed by her parents; but manifestly lest this counsel might not be for a separation from her husband, there were saving clauses, that after all she was to follow her inclinations; and in order not to allow those inclinations to flag, she was assured of Mr. Wagner's intense and abiding love, which nothing could change. "Love" was the very word he wrote, and there was not a syllable about "friendship," much less about "honor." Nor was a single word of reference made to any ill-treatment of my wife on my part,—no, not one word, nor a word of counsel to her to think of her husband, or to try to do a Christian and decent woman's part—to forget her wrongs, if she had any, and to maintain her vows of love, honor and obedience, and her reputation as a chaste wife—a faithful wife. Not a word of this; but every word possible, the whole tenor, professions and purport of the letter taken together, to alienate her from her husband, to encourage her in an illicit attachment for himself, and to crown his love and her own by their union without shame to her,—but still to consult her passion as the final sentiment. The conclusion of the letter had the strongest assurances of his devotion, and instructed her to continue to put unlimited trust in him.

This, I say, was the meaning, feeling and aim of that letter. Mr. Wagner in his letter to Mr. Grigg, only one month ago, does not say he had then destroyed the original, which was returned to him; though he is careful to say that he destroyed a note of my wife's. The inference is irresistible that he has still the original of his own. Let him produce it just as it was written. I can identify it as infallibly as I can my wife's now published answer to it, which only echoes its spirit, its passion and its purpose.

HORACE B. FRY.

Sworn and subscribed before me, March 4, 1859.

JOHN B. KENNEY, *Alderman*.

## MAJORITY REPORT.

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The following preamble and bill were decided upon, in House committee, March 10, 1859 :

AN ACT to annul the Marriage Contract between Horace B. Fry and Emily L., his Wife.

WHEREAS, On the second day of August, one thousand eight hundred and fifty-eight, a marriage was contracted between Horace B. Fry and Emily L. Grigg, both of the city of Philadelphia, and the said parties did, within a few weeks thereafter, separate, and have since lived apart :

*And whereas*, The state of hostility between the said parties, and the opinions which they avow they have formed of each other, are such as must forever preclude a reconciliation ; and it being the judgment of this Legislature that all confidence and affection have been destroyed between them, that they can never live together as husband and wife, according to the object of the institution of marriage, and that the happiness of the parties, the interest of the public, and the morals of society, will alike be promoted by dissolving the bonds of matrimony between the said Horace and the said Emily ; therefore,

*Be it enacted, &c.*, That the marriage contract entered into between Horace B. Fry and Emily L., his wife, of the city of Philadelphia, on the second day of August, Anno Domini one thousand eight hundred and fifty-eight, be and the same is hereby annulled and made void, and the parties released and discharged from said contract, and from all duties, rights and obligations arising therefrom, as fully and effectually and absolutely, in all respects, as if they had never been joined in marriage.

## PROTEST OF HORACE B. FRY,

AGAINST THE REPORT OF THE MAJORITY OF THE DIVORCE COMMITTEE.

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The memorial of Horace B. Fry, of the city of Philadelphia, to the Honorable the House of Representatives of the State of Pennsylvania.

WHEREAS, I am duly advised that the Divorce Committee of your honorable body has adopted and will report the annexed Preamble and Act for the divorce of myself and my wife Emily L. Fry, I submit this my solemn protest against that action.

I protest against the said preamble, inasmuch as it takes no specific cognizance whatever of the petition of Mrs. Emily L. Fry, referred by your honorable body to the Divorce Committee, and upon the allegations of which, being the only sworn causes for the divorce prayed for by her, it was a duty reasonable expected of the committee to report, while assigning any causes whatever therefor. The committee, by ignoring the grave matters recited in Mrs. E. L. Fry's petition, have ignored the record confided to them by your honorable body; an assumption of power, as I humbly submit, contrary to parliamentary use, a violation of personal rights in this instance, and, as a precedent, fraught with danger to the public interests. The allegations in that petition are either true or false. If true, your honorable body, as arbiter, and myself as the party affected by them, require positive evidence of their truth. If they are false, both the petition and the object sought by it fall together.

I protest against the assertion in the said preamble, that my "happiness will be promoted" by a divorce under the circumstances of the case.

I respectfully, but emphatically, deny the right of a Committee of the Legislature to constitute itself a judge of what will promote my happiness, and to impose upon me the consequences of its judgment.

I protest against the assertion as untrue—I, and I alone, being the judge of the secrets of my own heart; which, while I am a free citizen of this Commonwealth and guiltless of crime, there is no power under the Constitution competent to determine, and to use as the basis of a proceeding affecting my character and my domestic relations.

I aver most solemnly—an averment which no one has any warrant to gainsay—that so far from my happiness being promoted by your act divorcing myself and my wife, it will be the most grievous affliction which the exercise of your will can impose upon me



Further, do I protest, that so far from “the interests of the public and the morals of society” being promoted, as the preamble alleges, by such an act of the Legislature, it will strike at the very root of both; at the integrity of that holy compact upon which not only the morals, but the existence of society, depend. I pray that it be remembered that my wife has made certain very serious charges against me as a husband, not one of which is it pretended has been borne out by any plausible testimony whatever; while to a great extent they are utterly improbable; in part clearly self-contradictory; and in some instances actually proven to be willfully and wickedly false by unimpeached witnesses. While, too, your halls have been polluted with anonymous libels upon me, printed and laid upon your desks, insulting alike to your sense of decency and justice, and designed by the most infamous suggestions to assist the attempt, against which I am defending all that is dear to me;—while this is the fact, I am yet denied any process to compel the production of testimony, which I have assured your committee, who present this act of divorce, is within your jurisdiction, and sufficient to make evident all that equity may demand in this case. I am thus denied, I say, the right accorded even to a criminal, to have whatever may be alleged against me substantiated by the best possible proof, and similarly rebutted.

Yet, under all these unprecedented disadvantages, I have proved, beyond any contradiction, that the wife who presents herself before you, impeaching my marital conduct, had formed an illicit attachment for another man, only two weeks after her marriage with me, and held, while under my own roof, a surreptitious and amatory correspondence with him, of the most shameful nature. That her only supporter in her present proceeding against me is a father who, by his own confession, makes a merit of having offered no obstacle to that correspondence; and her only witness, that very clandestine lover, proved to be such alike under his hand and her own. This is the true state of the case before your honorable body.

I submit the question, if my wife had gone to the utmost extent of criminality, and had then applied for a divorce on grounds identical with those now before you; and even if it were admitted, by both of us, that we could not again live together—I submit the question, and I entreat your serious consideration of it in all its bearings, whether you would, in such an extreme case as that, be competent to affirm that *my* happiness would be promoted by a divorce, and that therefore it should be granted at her instance, and contrary to my opposition. If this be a reason for divorcing a man against his consent—that the Legislature thinks his happiness would be thereby promoted—who is any longer safe in his marriage relation? It is only needful for a faithless wife to desert her husband, as mine has done, present charges against him, not one proved true, and some proved false, and then your honorable body becomes qualified to decide that the husband’s happiness requires a di-

voree, and you grant it in opposition to his most solemn remonstrances! What, I ask, is conjugal security, faith, or honor—what are the morals of the family circle or of the great public to gain by such a principle and such a proceeding as this?

Further: I protest against the very first sentence of the said preamble, as opposed to undisputed facts. It is asserted that within a few weeks after my marriage, myself and my wife “did separate.” The word “separate,” as therein used, conveys the meaning of a mutual parting, *which is not true*. We did not separate. My wife abandoned me against my prohibition. She fled from my home, while I was absent at my daily labor. *She deserted me*, and continued her desertion, though I continued to live in that same home. Thus we did *not* separate, as the preamble asserts; and the assertion cannot stand in it without perverting truth, denied nowhere else, and by nobody; no, not even by my wife herself.

Further: I protest against the assertion in the said preamble, that my wife and myself can never be reconciled. So far as it refers to me, it is gratuitous, since I alone am competent to speak for myself in this regard. It can hardly be said that any man out of the Legislature can affirm for me that our differences are irreconcilable; and if so, there is nothing in the office of legislator which enables him to do so. It may be true. But this probability is no warrant whatever for the practical conclusion that a divorce should now be enforced upon me.

Lastly, I protest against the principle and practice announced in the said preamble. They have no precedent in the statutes of this Commonwealth. No analogies, either in the spirit or the forms of justice, legislative or judicial. No pretext in reason. No color of right. It is the first instance in any civilized community—and God grant it may be the last—in which the doctrine has been announced, much less urged, for the adoption of a body of law-makers, that wrong is its own proper and ultimate justification, and that the sacred sanction of law shall crown the purposes of the wrong-doer, endorse patent perjuries, and purify reputation stained by wanton shames; while it operates to asperse the character and crush the claims of the innocent.

HORACE B. FRY

PHILADELPHIA, *March 12*, 1859.

## REPORT OF THE MINORITY.

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The undersigned, minority of the Committee on Divorces, to whom was referred the petition of Emily L. Fry, of Philadelphia, praying to be divorced from her husband, Horace B. Fry, together with the answer of said Horace B. Fry, the memorial of John Grigg, father of the petitioner, and many other papers relating to the application mentioned, begs leave to report :

That after careful examination of the various papers in the case, he has found himself unable to concur in the action of the committee in reporting a bill in accordance with the prayer of the petitioner, for the following, among other reasons :

The petitioner, Emily L. Fry, charges her husband with swearing at, and cursing her on various occasions ; with having treated her at other times with great personal violence ; with having once seized and slung her from a chair, and with having twice thrown chairs at her ; indeed, with having carried his violence to such an extent as to have caused hemorrhage of the lungs. Other acts of almost equal outrage are also set forth in her petition, in that, while at a public hotel, on their wedding tour, at West Point, he locked their room door, threatened to shoot her, cursed and swore at her for some two hours ; and on another occasion, in the city of their residence, he informed her that, if she said another word on a certain subject, he would shoot her without hesitation, telling her his temper was so ungovernable that he was not responsible for his actions ; that he then locked the door, went to his trunk, took out a pistol and (pointing it at his wife) said he would shoot her.

Other acts of brutality and tyranny, on his part, towards her, are referred to in the petition, all of which, taken together, (when it is remembered that they are charged with having been perpetrated within the short space of one month after marriage,) present a case of marital cruelty and barbarity almost without a parallel.

To all these charges Mr. Fry responds by an unqualified and circumstantial denial, under oath. Had Mrs. Fry furnished any evidence to sustain her charges, the case would have been embraced so completely within the jurisdiction conferred upon the courts by act of Assembly, that the very strength of the evidence would prove the necessary defeat of the application : as proofs of such acts of brutality and tyranny could not fail to satisfy any court and jury that the condition of a wife, subjected to such indignities to her person,

would be indeed rendered "intolerable," and her "life burdensome"—even if they did not endanger its existence.

No one can doubt, for a moment, that a woman subjected to such barbarous treatment as is alleged, might abandon her husband's home, and successfully appeal to our legal tribunals for relief from his dominion.

To the courts alone, however, can she appeal—as, under the Constitution of Pennsylvania, the Legislature are expressly precluded from the consideration of such a case as Mrs. Fry presents. By the fourteenth section of the first article of the Constitution of Pennsylvania, it is provided: "That the Legislature shall not have power to enact laws annulling the contract of marriage in any case where, by law, the courts of this Commonwealth are or may hereafter be empowered to decree a divorce."

If Mrs. Fry's allegations are *true*, or if she can prove them, by her own showing, the courts of law, under the Constitution, are the proper tribunals for her to invoke: if they are *not true*, or cannot be proved, on what principle of law or morality, or of common sense, could the Legislature found a decree of divorce?

The minority of your committee might be content, under this view of the law, in simply recommending that the prayer of the petitioner be refused. But it would not be doing entire justice to dismiss a case in this summary manner, which has excited so much interest. As the merits of the case were elaborately argued by the counsel, (selected from leading members of the profession, not only of our own, but a sister State,) who were permitted to address the committee, and it is to be presumed that every view, both in favor of granting the prayer of the petitioner and of refusing it, was presented for their consideration, it may not be considered out of place to comment upon the intrinsic merits of the case, as presented by the petitions, answers, and accompanying documents.

To the various acts of insult, cruelty, and personal violence, alleged by Mrs. Fry to have been committed by her husband, he has interposed a positive denial, under oath. No single one of them was proved or attempted to be proved, except the sending, anonymously, to her father's house, a paper containing reflections upon the petitioner, the sending of which Mr. Fry proves was by a third party, unknown to him, and without any knowledge or desire on his part, as well as by evidence that, about the same time, nay, on the very day, Mr. Fry was not only solicitous, but successful in suppressing the publication, in another New York paper, of somewhat similar reflections upon the conduct of his wife when at West Point, although the article alluded to was an emphatic condemnation of her conduct, and a justification of his own.

Another of her allegations, the affair at the wharf at Philadelphia, has also been disproved by him, by affidavits which seem conclusive. It was, however, for her to prove the grounds of the application were true and not for him to



disprove them, at least not until some effort had been made by the petitioner to substantiate her assertions ; which Mrs. Fry has not done in any single particular. In fact, no substantial effort has been made to advocate the divorce on the original grounds of the application. Your committee *was urged, on quite other grounds, to report in favor of the petitioner.*

Before further allusion to these, it might be well to call attention to evidence brought to the notice of your committee within a few days of its decision, and which has not been presented to the House, or printed for its perusal.

In the memorial of Mr. Grigg, he states that he "can prove, by a highly respectable citizen of Philadelphia," that Dr. Moore, of West Point, "has distinctly stated to that citizen that he attended Mrs. Fry for hemorrhage from the lungs, *that this was the nature of her complaint,*" &c. Mr. Grigg only swears that he has been so informed. Dr. Moore states, in a letter forwarded to the committee, that he informed the citizen alluded to, that he "was called to see Mrs. Fry, who, *it was said,* had hemorrhage of the lungs."

The assertion of Dr. Moore himself seems to be, in the absence of any other evidence than "hearsay," the better evidence of what he stated on the occasion referred to. His letter, contradicting the assertions of Mr. Grigg's informant, would scarcely have been written had he believed Mrs. Fry laboring under the very dangerous malady alluded to. The citizen referred to, (one of the petitioner's attorneys,) has, since this report was written, sworn to his version of the conversation alluded to—but even thus sustained, the allegation of Mr. Grigg amounts to no more than "hearsay" of the weakest kind, testimony of one witness of what another (whose evidence the respondent has no means of obtaining) has *said*.

Within a few days of the decision of your committee, Mr. Fry has placed in its possession the strongest testimonials, from those in whose employ he has been for years, not only of good character, but of that amiability of temper so well calculated to render a married life one of felicity. That such a man should be guilty of the almost fiendish acts charged upon him, should not be believed without some testimony to sustain allegations so improbable, if not incredible.

Had the charges of cruelty at West Point, made by the petitioner against her husband, been well founded, it is scarcely to be supposed that she would have desired to prolong a bridal tour so inauspiciously commenced at the Philadelphia wharf. Yet your committee have had presented to their notice the evidence of an unimpeached witness, that their stay there was prolonged *by the request of Mr. Grigg, at the solicitation of the petitioner,* and contrary to the desire of Mr. Fry ; although Mr. Grigg stated, as early as August 28th, (what many who have examined this case will readily admit,) that West Point was "a place unfit for a young married woman." It appears from this that, at the time Mrs. Fry alleges she was threatening to write to her father to

*come for her*, she was begging him to allow her to *remain* at West Point—although, in the language of Mr. Grigg, “Mr. Fry intended to leave West Point sooner,” and, it appears from the evidence, *would* have done so but for the solicitations of his father-in-law.

There is one feature in this case over which the undersigned would fain draw the veil of charity, while justice demands that it should at least be alluded to—the letter of Mrs. Fry to a West Point cadet, dated at Philadelphia on the 5th September. That a woman of ordinary sense and of virtuous inclinations, when residing with her husband within a hundred yards of her father’s door, and less than five weeks after swearing eternal fidelity to the husband of her choice, should pen such an epistle, cannot be believed. That it was the emanation of a feeble intellect rather than the product of a corrupt heart is to be hoped—but it certainly was not extraordinary that the discovery, by the husband of a month, of a letter from his wife proposing an elopement with the acquaintance of a fortnight, to whom she had already forwarded her miniature, would have excited indignation, and it is not one of the least extraordinary circumstances of this most extraordinary case, that in all that confidential epistle to a confiding lover there is not one intimation, on the part of the petitioner, that her new born affection for the buttons and epaulette of the cadet arose from any ill-treatment on the part of her husband. It is a reply to a letter from that cadet, which had been intercepted by her husband, and which was returned to the writer, and every copy destroyed, by an agreement with him, and upon the promise on his part to hold no further communication with the petitioner.

That letter, it is a legal presumption, remains where it has been traced, in possession of the author. The only evidence we have of its contents is in a recent affidavit of Mr. Fry, upon whose memory it would naturally be graven in indelible characters. He tells us it comprised some seven pages of closely written note paper, addressed to his wife as his “Dearest Emily,” expressed excessive grief at their being parted—a distress even greater than the writer had anticipated; dilated upon their romantic conversations at West Point; a prospective union which they had so frequently discussed and hoped for; doubts of their accomplishing it; pictured the reverse, with a soldier’s grave in the perspective; discussed a separation from her husband, its consequences to his “dearest Emily,” if effected in a manner to damage her reputation; counselled her to be governed by her parents, with an intimation to follow her own inclinations in the end, and assured her of the writer’s “*abiding love*,” which nothing could change. Like the answer to it, this epistle, so disgraceful to all concerned, contained no intimation of ill-treatment on the part of her husband as an excuse, however miserable, for an amatory correspondence with another. It concluded, if we are to believe the positive oath of Mr. Fry, with the strongest assurances of the writer’s devotion to another

man's wife. When their written correspondence was of the character proven by the evidence in the case, what confidence can we place in the bare assertion of the author of such a letter, that their personal intercourse "was such as might freely occur between a gentleman and a lady, and was governed by principles of friendship and honor!"

While endeavoring to take her case beyond the jurisdiction of our courts, by the statement that the acts charged against her husband, "bad as they are," were *not* "so cruel and barbarous as to endanger her life," because she "never believed he had the courage to risk his own life by executing his threats against hers," she does not hesitate to express, in a letter to her West Point correspondent, a fear that he would encounter a double risk in attacking *him*—indeed, she "burst into tears," with a shriek "which almost frightened him," when that husband expresses an intention to revenge his injuries upon the man who has engaged in a correspondence endangering his wife's honor.

It was insisted, before your committee, that it was evident, as well as from Mrs. Fry's petition as from the answer of her husband, that no reconciliation was to be hoped for; that, while the wife was before the Legislature seeking a separation, and the husband was here opposing it, his opposition was not so much for the purpose of retaining his wife as from a perverse spirit—as he had himself avowed his intention to apply to the legal tribunals, hereafter, with a like purpose, on the ground of desertion; that they were irreconcilable, and could never live together again as man and wife; and that, being aware of this, humanity demanded we should free this couple at once from a burdensome obligation, with the conditions of which they never would comply, and from which they would inevitably be released at some future day.

The husband denies that he has ever expressed his unalterable determination to seek a divorce hereafter; and whatever he may have said, neither he nor any other husband who charges his wife with no other criminal act than deserting him, can maintain a suit for divorce on the ground of desertion, in case the erring wife chooses to return to her deserted husband within a specified time—which, (under the humane provisions of our acts of Assembly, authorizing courts to grant divorces for desertion,) she may do at any time within two years from her abandonment of his roof. Why, then, should we, by hasty and inconsiderate action, interpose an insuperable barrier to a consummation so devoutly to be wished by all Christian men, as that a young and erring, but not wholly criminal wife, should, (before the expiration of the two years allowed for reflection,) return to the arms and protection of her deserted husband—all of whose conduct, so far as it has been exhibited by the documents which have been produced, and the facts which have been admitted, proves him to have been one, when not thwarted by parental authority, well qualified to guide the steps and protect the honor of an inexperienced and thoughtless wife.



It was also urged with great earnestness that the scandal of these proceedings, and the unprotected condition of the petitioner, were causes of deep and heart-breaking distress to her father, who was represented to be an aged and respectable citizen; and his age, his infirmities, and his distress were most eloquently pressed upon us as reasons for granting his and his daughter's prayer.

Such an appeal was altogether outside of the merits of the case; but the proposition, in its nakedness, to divorce a woman from her husband merely in order to give solace to that woman's *father*, however exemplary the character of that father may be supposed to be, is one the undersigned can neither entertain nor recommend to this House.

From all the evidence in the case it appears that a young and fickle woman, regardless of her duty to her husband, a few weeks after marriage encountered another man whom she prefers. Governed by no respect for that husband, herself, or the vows she had so lately taken, she is found, in one short month, engaged in an active correspondence with the new object of her volatile affection, sending him her daguerreotype, writing him and receiving from him, without her husband's knowledge, letters of an amatory character.

Detected in this correspondence, and cut off from all opportunity for its continuance, by the interposition of her husband, apparently unrepentent, certainly unrelenting towards the husband she had so wronged, we find her a petitioner here to be divorced from him, on the ground of alleged acts of cruelty and enormity inflicted upon her, of a character rarely heard of in civilized communities. Not only were none of these proved, but no substantial effort whatever was made to prove them, and the application to the Legislature is simply that of a wife, (who is herself clearly convicted, by the testimony before your committee, of grave impropriety,) asking to be divorced from a husband, who proves an amiability of temper and an irreproachable character, utterly irreconcilable with the truth of her charges, and against whom she does not even make an effort to substantiate a serious complaint of any kind—and whom she has deserted.

The guilty wife asks redress at your hands against the innocent husband whom she has so cruelly wronged. To grant her prayer would be an act of wanton power, not to be expected from honest and intelligent representatives of any free people in a Christian land.

The undersigned cannot refrain from expressing the opinion that, had the parties to the marriage we are invoked to annul moved in an humbler sphere of life, legislative interposition would never have been asked. The whole story of the petition, with the memorial of the father, are rank with the insolence of wealth, and imbued with the most sordid spirit and views. The petitioner declares (in which she is successfully contradicted) that her father furnished her household with money for the wedding tour. His money—her



money—money, money gleam all through the petition and memorial, whilst even her letter to her West Point admirer jingles the current coin of the republic.

It is not pretended, in the report of the majority of your committee, that Mrs. Fry's allegation of cruelty toward her on the part of her husband are sustained by evidence, or that her averments are not fully and broadly met by his positive sworn denials.

It is not denied that the case presented by the petitioner, if true, would be clearly within the jurisdiction of the court of common pleas of Philadelphia, and that, therefore, a legislative act of divorce would be a violation of the explicit provision of the Constitution upon the subject.

These important considerations are entirely ignored, and the only cause or reason for the divorce, as set out in the preamble of the bill reported to divorce the petitioner from her husband is, that "a state of hostility exists between the parties, and the opinions which they have formed of each other are such as must forever preclude a reconciliation."

If *these* considerations are of sufficient weight to bring the Legislature to the conclusion therein expressed, that "*the happiness of the parties, the interests of the public, and the morals of society, will alike be promoted,*" by dissolving their marriage contract, it ought to follow that the existence of similar reasons would be sufficient to warrant similar action *in all cases* of application for divorce, and that the Legislature ought, by *general law*, to authorize the courts of the Commonwealth to grant divorces for such causes.

And yet, if it was proposed to declare, by such general enactment, that hereafter the courts of common pleas throughout Pennsylvania should pronounce decrees, divorcing husband and wife, "in *all cases* where it was shown to them that separation had taken place between the parties, resulting in irreconcilable hostility," there is probably not a single member of the Legislature who would consider such a law promotive of "the interests of the public," or "the morals of society," or who would venture to cast an affirmative vote!

Yet why should *this* be made an exception to all common rules of right action in similar cases? If "free love" doctrines are to prevail as true in *one* case, why not permit *all* married parties, who see proper to "separate and become irreconcilably hostile," to do so, and seek their "affinities"—spiritual or otherwise?

It cannot be that it is proposed to make conditions in life or the circumstance of the wealth or poverty of the parties, the governing considerations by which the rules of law and the action of Legislatures are to be determined; and, if the bare statement of the reason, set out in the preamble to the bill reported by the majority of your committee in this case, would, as a *general proposition*, shock the moral sense of every thinking man, it is difficult to comprehend how those reasons can be sustained *in this particular case*. Certainly,

in the view of the minority, it would be difficult to conceive a doctrine more thoroughly subversive of all "the objects of the institution of marriage," of "the happiness of married parties," "the interests of the public, and the morals of society," than that embodied in the preamble to the bill reported by the majority, if generally established.

All of which is respectfully submitted.

J. HERON FOSTER.



